



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING/JOINT STUDY SESSION
TUESDAY, JANUARY 23, 2018 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME.....**By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2018/0123.01- Approve Minutes of the October 24, 2017 Regular Meeting **(ACTION)** 1

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2018/0123.02 - Joint Study Session with City Council – Discussion Related to Possible Revision of the City's Cannabis Regulations to Include Adult "A" Activities **(DISCUSSION/POSSIBLE ACTION)** 9
- 2) 2018/0123.03 - Adopt Resolution No. PC 111-2018 Recommending the City Council Amends the Medical Cannabis Regulations, Section 17.30.195 of the Rio Dell Municipal Code (RDMC) to Eliminate the Reference to Medical or Medicinal Cannabis and to include new Definitions and other Minor Changes Consistent with the new State Regulations **(DISCUSSION/POSSIBLE ACTION)**

- 3) 2018/0123.04 - Adopt Resolution No. PC 116-2018 Recommending the City Council Repeal the Existing Sign and Nameplate Regulations, Section 17.30.300 and the Outdoor Advertising Regulations, Section 17.30.210 of the Rio Dell Municipal Code (RDMC) 52

H. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
Tuesday, February 27, 2018 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
REGULAR MINUTES
OCTOBER 24, 2017**

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Angeloff.

Present were Commissioners Angeloff, Kemp, Marks, Strahan, Woodall and Planning Commission Alternate Richter.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the September 26, 2017 Regular Meeting

Commissioner Marks referred to page 2 of the minutes related to the Bluff View Estates/Hilda Ct. Easement Abandonment request and asked if staff had written a letter to Jody and Cynthia Greene advising them of their financial responsibility for installation of the gate and to advise them of the conditions of the easement as directed by the Commission.

Community Development Director Caldwell noted that he had sent the letter and that Mr. Greene indicated that he would be coming back to the Commission with a request for permanent abandonment of the easement.

Motion was made by Marks/Kemp to approve the consent calendar including minutes of the September 26, 2017 regular meeting. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-118-2017 Approving a Conditional Use Permit (CUP) for Abe Fockaert for Construction and Design Review of a proposed 4-Unit Multi-Family Dwelling at the corner of First and Berkeley subject to recommended Conditions of Approval (APN 053-153-007)

Community Development Director Caldwell provided a staff report and said the application is for a Conditional Use Permit for construction and Design Review of a proposed 4-unit multifamily dwelling, totaling 4,420 square feet on a vacant parcel

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located at the corner of First Ave. and Berkeley St. He added that each unit will be 2 bedrooms/1 bathroom with one of the units ADA accessible.

He said the applicant had some concerns regarding the on-site stormwater requirements, the recommended shrubs and the bicycle rack recommendation. He noted that the project was revised to incorporate on-site stormwater retention/detention basins and bicycle racks in the backyard of the units. He said the intent of the bicycle racks was to provide spaces available for visitors as well as the residents.

He continued with review of the City's adopted Design Review Guiding Principles and said the plans as submitted are consistent with those provisions. He commented that the proposed use is conditionally permitted within the Urban Residential (UR) zone and complies with all other applicable provisions of the city's Zoning Code and General Plan.

Next was review of the Conditions of Approval (Exhibit A) of the Resolution.

Commissioner Woodall asked for clarification that the units will be for single family use without the possibility of adding mother-in-law units.

Community Development Director Caldwell clarified that there would be no allowance for mother-in-law units.

Commissioner Woodall then questioned the responsibility for maintenance of the landscaping and black slat fencing.

Abe Fockaert indicated that the apartment complex will be professionally managed and maintained.

Community Development Director Caldwell noted that the maintenance provision could be added under *Operational Conditions (2)* of the proposed Conditions of Approval. Commissioners concurred.

Commissioner Woodall was pleased to see adequate off street parking provided. She then referred to *Operational Conditions (1)* and asked for clarification regarding the storage of outdoor materials and equipment.

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Community Development Director Caldwell clarified that such things as garbage cans, bicycles, barbeques etc. must all be screened from public view.

Discussion continued regarding the 15 foot "no parking" red curb from the intersection of First Ave. and Berkeley Street in both directions.

Commissioner Marks pointed out that the standard red curb is typically 25 feet rather than 15 feet.

Abe Fockaert (the applicant), commented that he would like to keep the distance at 15 feet to avoid visitors parking in front of other residences and noted that the setback from the corner is adequate.

Community Development Director Caldwell agreed that there is no problem with the sight distance and that staff is comfortable with the 15 feet as recommended by the Fire Chief.

Commissioner Strahan pointed out that essentially there is 20 feet because of the radius of the ADA ramp.

Consensus of the Commission was to keep the red curb at 15 feet from the intersection of First Avenue and Berkeley Street in both directions as recommended.

Commissioner Angeloff opened the public hearing to receive public comment on the proposed Conditional Use Permit.

Abe Fockaert addressed the Commission on some of the conditions of approval and said with regard to condition #1 for installation of 3 bicycle parking spaces/racks, he would prefer to not provide a bicycle rack in the front of the building since there are 3 private patio areas where bicycles could be parked.

He referred to condition #3 regarding the planting of 20 shrubs throughout the project site and said he is not a fan of shrubs as they seem to attract spiders and spider webs and garbage. He said he envisions trees (perhaps Maples) and grass which provides a simple, clean landscaping plan.

Community Development Director Caldwell said the recommendation to place shrubs on the side of the porches was to break up the buildings and pointed out that

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maple trees lose their leaves in the winter but it is at the discretion of the Commission whether or not to modify that condition.

After further discussion the consensus of the Commission was to eliminate the requirement for the planting of shrubs.

Abe Fockaert stated that his biggest opposition is condition #2 related to a hydraulics/drainage plan to accommodate a 25 year storm event so there is no net increase of stormwater runoff from the site including the use of detention/retention facilities and bio-swales if feasible. He noted that he has yet to encounter that requirement on any of his residential projects and said he just pulled a building permit in the City of Eureka and it was not required.

Community Development Director Caldwell explained that it involves a simple math problem which calculates the amount of runoff on sites and is basically a grassy swale. He commented that the General Plan policies of the City require drainage plans for all multi-family developments.

Discussion continued regarding the cost for an engineer to provide the calculations and other methods for handling the stormwater runoff.

Abe expressed concern regarding the cost of the calculations and said the cost of the fire hydrant, the neighborhood box units (NBU), and the water and sewer tie-ins are also costly but he is not arguing about those items.

Community Development Director Caldwell commented that staff is not suggesting the use of bio-swales but pointed out that there is a huge I & I (inflow and infiltration) problem in the city so any attempt to minimize stormwater runoff is important.

He estimated it would take an engineer only 10 minutes to provide the calculations.

Abe commented that if it is as simple as that, then he would have no problem providing the calculations.

Planning Commission Alternate Richter supported the elimination of the bike rack requirement.

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Jackie Wilson, property owner of 133 Second Ave. commented that the City has been encouraging more bicycle transportation as part of the recent discussions of the Active Transportation Plan (ATP) although she was more concerned with lighting.

Community Development Director Caldwell noted that her property was located north of the project site so there would be no intrusion of lights shining into her property.

There being no further public comment, the public hearing closed.

Motion was made by Woodall/Kemp to approve Resolution No. PC-118-2017 *Approving the Fockaert Conditional Use Permit for Construction and Design Review of a Proposed 4 Unit Multi-Family Dwelling, totaling 4,320 square feet on a vacant parcel located at the corner of First Avenue and Berkeley Street subject to the recommended Conditions of Approval in Exhibit A* as amended to eliminate the requirement of shrubs, and 3 bicycle parking spaces/racks, to include the maintenance requirement for the fence, and to direct staff to provide assistance with calculations related to a drainage plan to accommodate for 25 year storm events to address stormwater runoff from the site. Motion carried 5-0.

Resolution No. 119-2017 Recommending the City Council Amend the City's Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a staff report and said as the Commission is aware the City Council recently adopted Ordinance No. 358-2017 establishing personal recreational cultivation regulations.

He said Councilmember Garnes recently returned from the League of California Cities Annual Conference where she attended a Prop 64 workshop and learned that jurisdictions must allow cultivation within a residence since residents of apartment complexes or dwellings that do not have access to detached accessory buildings would not be able to cultivate cannabis for their personal use.

He explained that under Prop 64, jurisdictions are allowed to reasonably regulate personal cannabis cultivation but they cannot ban it. He said the City Attorney recommended some minor modifications to the regulations and staff is also recommending that the allowable area for cultivation be reduced from 150 square

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feet to 50 square feet and that the kitchen and bathrooms be maintained for their intended uses.

Community Development Director Caldwell distributed a copy of the annual Permit and Acknowledgement Application form noting that the applicant will be required to agree to and pay for an annual Life-Safety Inspection of the premises. He said the intent is to minimize the impacts of cannabis cultivation in neighborhoods and maintain the City's housing stock.

Commissioner Woodall noted that the acknowledgement form requires written approval from the property owner for a tenant to cultivate cannabis within a residence and asked if that requirement is included in the ordinance.

Community Development Director Caldwell commented that it needs to be included in the ordinance so that property owners will have legal ground to stand on should there be problem. He agreed to add it to the text of the ordinance under section 6, subsection (r).

Commissioner Woodall asked if cannabis cultivation will be allowed to occur in cargo containers.

Community Development Director Caldwell indicated that it is not allowed and therefore; he will add that language to the ordinance as well.

Commissioner Angeloff opened a public hearing to receive public comment on the proposed resolution. There being no public comment the public hearing closed.

Motion was made by Kemp/Marks to approve Resolution No. PC-119-2017 *Recommending the City Council Amend the Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal Code (RDMC)* with the modifications to include language regarding written authorization by the property owner and language prohibiting cannabis cultivation in cargo/shipping containers. Motion carried 5-0.

Resolution No. 116-2017 Recommending the City Council Repeal the existing Sign and Nameplate Regulations, Section 17.30.300 and the Outdoor Advertising Regulations, Section 17.30.210 of the Rio Dell Municipal Code (RDMC)

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Community Development Director Caldwell provided a staff report and said at the meeting of August 22, 2017 staff presented to the Commission what was believed to be an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code with regard to the Town Center (TC) zone. Upon a review of the sign regulations, staff discovered that appurtenant signs were basically restricted to the Community Commercial (CC) zone.

He said when staff presented the information to the Commission, Commissioner Marks informed staff and the Commission that there was not in fact an error or oversight by not carrying over the sign regulations to the Town Center and Neighborhood Center zones and that they were intentionally omitted due to concerns that the allowed size of up to 300 square feet may be inappropriate in those zones. As such, staff looked into establishing more comprehensive sign regulations for the City and completely revised the existing Signs and Nameplate regulations, Section 17.30.300 of the RDMC.

He continued with review of the purpose of the new sign regulations; encouraging creative and innovative approaches to signage within the community, encouraging signage that is compatible with the surrounding area, enhancing overall property values by discouraging signage that adds to visual clutter of the streetscape, enhancing traffic safety by minimizing signage information, and to safeguard and protect the public health, safety and welfare through appropriate prohibitions, regulations and controls on the design, location and maintenance of signage.

Community Development Director Caldwell said that staff is also recommending that a Uniformed Sign Program be established for certain developments to integrate the design of the signs with the design of the structures. He said staff is also recommending regulations for menu/order board signs, electronic/ballot measure signs, awning signs, blade/bracket signs, monument and reader board signs, time and temperature signs, banner/feather signs and freeway oriented (billboard) signs.

He noted that the main talking points of the proposed sign regulations should focus on the allowable sizes for signs and directed the Commission's attention to Table 17.30.300-7-1, Signs Permitted by Zoning District.

Commissioner Angeloff commented that he would like to see an exception for neon signs in the Town Center (TC) using DJ's Burger Bar, a 50's diner as an example where a neon sign would be appropriate.

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Community Development Director Caldwell said that he would like to take the proposed sign regulations to the Chamber luncheon and present them to the business owners for input.

Commissioner Woodall had an issue with signs being attached to the back of City signs and expressed the need to have regulations related to municipal signage.

Commissioner Marks said that 100 square foot single sign in the Town Center (TC) zone seems really large and suggested a smaller size limit for single signs.

Discussion continued regarding sign regulations in the Industrial Commercial (IC) zone, billboards, temporary signs such as holiday signs and decorations, and signs painted on businesses.

Commissioner Angeloff called for public comment on the proposed sign regulations.

Scott Eldridge questioned the size of signage in relation to the scale of a building referring to 707 Automotive, and asked if there are any regulations regarding painting of buildings commenting on Dias Industries as being an eyesore.

Community Development Director Caldwell commented that there are no existing regulations regarding the painting of buildings.

ADJOURNMENT

Motion was made by Woodall/Marks to adjourn the meeting at 8:10 p.m. to the November 28, 2017 regular meeting. Motion carried 5-0.

Nick Angeloff, Chair



Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: January 23, 2018
 Consent Item; Public Hearing Item

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager 
Date: January 17, 2018
Subject: Amendment of the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 111-2018 recommending that the City Council amend the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code to eliminate the reference to medical or medicinal cannabis and to include some new definitions and other minor changes consistent with the new State regulations

Background and Discussion

As the Commission is aware the City adopted the Medical Cannabis Land Use Ordinance (MCLUO) prior to the approval of Proposition 64, the Adult Use of Marijuana Act (AUMA). As a result of the passage of Proposition 64, the State has eliminated the Medical Cannabis Regulation and Safety Act (MCRSA) and created the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

Throughout the State municipalities and counties are or have amended their medical cannabis land use regulations to allow for Adult "A" cannabis activities consistent MAUCRSA. Locally,

Humboldt County, Eureka and Arcata are in the process of eliminating references to medical commercial cannabis so as to allow both recreational and medical cannabis activities.

The City Council discussed the possibility of eliminating references to medical commercial cannabis so as to allow both recreational and medical cannabis activities at their meeting on January 16, 2018. The meeting was well attended by the stakeholders who basically stated that they needed access to the adult market in order to be competitive and successful in this new legal market. A copy of that portion of the Council minutes is included as Attachment 4.

Staff prepared a handout, included as Attachment A, for the Council meeting that includes among other things the advantages of expanding our regulations to allow both Medical "M" and Adult "A" activities over at the Humboldt Rio Dell Business Park. The City's current regulations limit opportunities for our local developers as identified below:

- Manufactures are restricted to purchase only Medicinal (M) raw materials. Most local farmers are focusing on the larger Adult (A) market.
- The approved testing lab (DigiPath) would be limited to testing only Medicinal (M) products. This only allows access to about 25% of the potential market.
- Processers and distributors would also be limited to processing and distributing Medicinal (M) products. Again that's only about 25% of the expected market.
- Nurseries, including tissue culture propagation would be limited to Medicinal (M) plants. The proposed nurseries would not be able to provide nursery stock to the regional farmers and to our local citizens who cultivate for their personal recreation use.
- Rio Dell is at a competitive disadvantage to not only other local jurisdictions, but jurisdictions and businesses up and down the State.

The proposed changes are really minor in nature. Basically for the most part, staff is recommending that the reference to medical or medicinal cannabis be eliminated. There are also some new definitions and other minor changes consistent with the new State regulations.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.

- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Amendment Required Findings:

1. The proposed amendment is in the public interest.

The proposed amended regulations are in the public interest in that (1) they are consistent with the new State regulations; (2) will allow for or facilitate additional jobs; and (3) will generate additional revenue through the voter approved cannabis excise taxes applied to the cannabis businesses at the Humboldt Rio Dell Business Park. Should the amendments not be approved, it was clear that some, possibly most of the developers would not be investing millions of dollars in the Community.

2. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, and protect the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. The proposed minor amendments certainly increase the opportunity for economic development within the City. There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendments. Therefore, staff believes the proposed regulations are consistent with the General Plan.

3. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the minor nature of the proposed amendments, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments to the cannabis regulations will have a significant effect on the environment.

Attachments:

Attachment 1: Fact Sheet presented at the City Council meeting on January 16, 2018.

Attachment 2: Draft recommended amendments to the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code.

Attachment 3: Resolution No. PC 111-2018 recommending that the City Council amend the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code to eliminate the reference to medical or medicinal cannabis and to include some new definitions and other minor changes consistent with the new State regulations.

Attachment 4: Copy of that portion of the Council minutes of January 16, 2018.

Current Cannabis Proposals in Rio Dell

- Current Cannabis Proposals in Rio Dell
- 50,000 square feet of development approved by planning commission; \$8,000,000 in investments currently proposed and 53 jobs.
- Another 100,000 square feet currently under review.
- Potentially up to \$980,000 in annual revenue that can be used for infrastructure, public safety and other community services.
- Development of an abandoned mill site that had no prior developer interest.

Cannabis Background and Facts

California 5.8 Billion Dollar Industry by 2021
Recreational Sales \$4.3 billion (74%); Medical Sales \$1.5 billion (26%)
Source: BDS Analytics/Arcview Market Research

Statewide, Voters Approved Proposition 64 Adult Use of Marijuana Act (AUMA) on November 8, 2016.

Rio Dell Vote

46.89% YES 53.11% NO

Statewide Vote

57.13% YES 42.87% NO

Measure T Cannabis Advisory Vote 2016

53.41% YES

46.59% NO

“Should the City of Rio Dell, by the necessary and appropriate action, permit commercial cannabis business activity, including cannabis cultivation, testing, processing and sales, within the area of the City that is located to the north of the Eel River and commonly referred to as the Sawmill Annexation Area if that activity is subject to local taxation?”

Measure X Cannabis Tax Vote 2017

80.96% YES

19.04% NO

“Shall the ordinance creating a new business tax of up to five dollars per square foot of space utilized for certain commercial cannabis cultivation activity and,

for other commercial cannabis activity, a tax of up to ten percent of gross receipts be adopted, with all proceeds placed in the City's General Fund to be used for any governmental purpose? The tax imposed by this Ordinance is expected to generate \$980,000 in annual revenue and will continue in effect until later repealed."

*** Measures T & X referenced cannabis in general, not specifically medical cannabis.**

Rio Dell Summary Chart		
2016 General Election		
	<u>Yes</u>	<u>No</u>
Proposition 64	520	589
%	46.89%	53.11%
Measure T	572	499
%	53.41%	45.13%
Rio Dell Summary Chart		
2017 General Election		
	<u>Yes</u>	<u>No</u>
Measure X	353	83
%	80.96%	19.04%

City of Rio Dell Medical Cannabis Ordinance Adopted October 2016, prior to the approval of Proposition 64 Adult Use of Marijuana Act (AUMA).

What Other Jurisdictions are Doing

- The California Association of Counties (CSAC) and the League of California Cities (LOCC) has reported that the Bay Area and Southern California Counties and Cities are ahead of the rest of the State in crafting recreational ordinances. Both CSAC and the LOCC expect more Cities and Counties to develop recreational ordinances and associated taxes in an effort to generate additional tax revenue to provide services, funds for pension costs and other expenses.

- Locally, Humboldt County, Eureka and Arcata are in the process of eliminating references to medical commercial cannabis so as to allow both recreational and medical cannabis activities.
- As the LOCC points out, a key fact to remember is that there is little appreciable difference between an ordinance that regulates medical marijuana, and an ordinance that regulates recreational marijuana. *Both are agricultural products and are chemically identical for purposes of local regulation.*
- The County is currently allowing potentially up to 15 dispensaries to be located throughout the unincorporated areas, potentially just outside of city limits.
- Prohibiting Adult (A) activities will not eliminate recreational cannabis in Rio Dell. Residents may cultivate up to six (6) plants and/or purchase recreational cannabis in the County, Eureka and Arcata. In addition, they can have it delivered here in Rio Dell as well.
- The only difference between the products of the Adult (A) market and the Medicinal (M) market is the “A” or the “M” on the label.

Medicinal Market Only

- Manufactures are restricted to purchase only Medicinal (M) raw materials. Most local farmers are focusing on the larger Adult (A) market.
- The approved testing lab (DigiPath) would be limited to testing only Medicinal (M) products. This only allows access to about 25% of the potential market.
- Processers and distributors would also be limited to processing and distributing Medicinal (M) products. Again that’s only about 25% of the expected market.
- Nurseries, including tissue culture propagation would be limited to Medicinal (M) plants. The proposed nurseries would not be able to provide

nursery stock to the regional farmers and to our local citizens who cultivate for their personal recreation use.

- Rio Dell is at a competitive disadvantage to not only other local jurisdictions, but jurisdictions and businesses up and down the State.

Advantages of Allowing Adult (A) Activities

- Would allow our businesses to participate in the anticipated 4.3 billion dollar industry.
- Would provide a regional benefit to local cultivators.
- Increased tax revenue to provide services, including additional police officers, code enforcement (including black market cannabis code enforcement), funds for infrastructure (e.g. sewer, water, drainage, streets, etc.) repairs.

Measure "U" which generates about \$255,000 a year sunsets in 2019.

- Would create additional jobs, trigger additional economic and residential development.
- Would encourage a legal, regulated market hopefully reducing the black market.

Section 17.30.195 ~~Medical Cannabis Commercial Cannabis~~ Land Use Regulations



(1) Authority and Title

This Section shall be known as the ~~Medical Cannabis Commercial Cannabis~~ Land Use Ordinance (“~~MCCLUO~~”) (CCLUO), which provides for the regulation of Commercial Cultivation, Processing, Manufacturing ~~and distribution and testing~~ of cannabis for medical use, as defined in this Code, located within the City of Rio Dell.

(2) Purpose and Intent

~~The purpose of this Section is to establish land use regulations concerning the commercial cultivation, processing, manufacturing and distribution of cannabis for medical use within the City of Rio Dell in order to limit and control such cultivation in coordination with the State of California in the implementation of the Medical Cannabis Regulation and Safety Act (MCRSA)(SB 643, AB 266, and AB 243 as adopted September 11, 2015, and approved by the Governor on October 9, 2015), so as to ensure the health and safety of employees, independent contractors, visitors to the area, neighboring property owners, and end users of medical cannabis; to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes. It is intended to address the City of Rio Dell’s prerogative to permit, and control commercial cultivation, processing, manufacturing and distribution of cannabis for medical cannabis as set forth in the MCRSA, including, but not limited to the provisions of Business and Professions Code Sections 19315, 19316, 19320, 19322, 19332, and 19360 and Health and Safety Code Section 11362.777, in conjunction with state licensing requirements, in order to protect the public health, safety, and welfare of the residents of the City of Rio Dell, and to reduce or eliminate any adverse environmental effects of existing commercial cannabis cultivation operations in the City of Rio Dell, and to prevent adverse environmental effects of any new commercial cannabis activities which may be permitted in the future in accordance with this Section and state law. This Section is not intended to supersede the provisions of Section 17.30.190 of the Rio Dell Municipal Code concerning cultivation of medical cannabis for personal use.~~

The purpose of this Section is to establish land use regulations concerning the commercial cultivation, processing, manufacturing, distribution and testing of cannabis for medicinal or adult use in order to limit and control such activity.

These regulations are intended to ensure the public health, safety and welfare of residents of the City of Rio Dell, visitors to the City, persons engaged in regulated commercial cannabis activities including their employees, neighboring property owners, and end users of medicinal or adult use cannabis; to protect the environment from harm resulting from cannabis activities, including but not limited to residential neighborhoods, schools, commercial areas; to ensure the security of state-regulated medicinal or adult use cannabis;

and to safeguard against the diversion of state-regulated medicinal or adult use cannabis for purposes not authorized by law. To this end, these regulations identify where in the City the various types of commercial cannabis activities can occur, and specify what type of permit is required, the application process and the approval criteria that will apply.

This Section is not intended to supersede the provisions of Sections 17.30.190 and 17.30.195 of this Code concerning cultivation of medical marijuana for personal use by patients or caregivers, or contravene the provisions of Health and Safety Code section 11357, 11358, 11362.1, 11362.2, or 11362.5 with respect to the possession or cultivation of limited amounts of cannabis for personal use by qualified patients or persons 21 years of age or older.

(3) Applicability and Interpretation

- (a) These regulations shall apply to the location and permitting of commercial cultivation, processing, manufacturing, ~~and distribution~~ and testing of cannabis ~~for medical use~~ in zoning districts within which such use is authorized, as specified in this Section.
- (b) The commercial cultivation, processing, manufacturing, ~~and distribution~~ and testing of cannabis ~~for medical use~~ within the jurisdiction of the City of Rio Dell shall be controlled by the provisions of this Section, regardless of whether those activities existed or occurred prior to the adoption of this Section.
- (c) Nothing in this Section is intended, nor shall it be construed, to exempt the commercial cultivation, processing, manufacturing, ~~and distribution~~ and testing of cannabis ~~for medical use~~, from compliance with all other applicable zoning, and land use regulations, as well as compliance with any applicable state laws.
- (d) Nothing in this Section is intended, nor shall it be construed, to exempt the commercial cultivation, processing, manufacturing, ~~and distribution~~ and testing of cannabis ~~for medical use~~, as defined herein, from any and all applicable local and state construction, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.
- (e) Nothing in this Section is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial cultivation, processing, manufacturing, ~~and distribution~~ and testing of cannabis ~~for medical use~~ on private property.
- (f) The definitions in this Section are intended to apply solely to the regulations in this section.
- (g) Notwithstanding the fact that Health and Safety Code Section 11362.777 declares that ~~medical~~ cannabis is an agricultural product for purposes of that Section and the MCRSA Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Business and

Professions Code Section 19300, et. seq., the commercial cultivation of cannabis ~~for medical use~~ is a highly regulated specialty crop and cultivation and processing of that specialty crop shall not be allowed as a principal permitted use unless a Conditional Use Permit is first obtained from the City of Rio Dell, and the person engaged in such activity has obtained all state licenses and permits which may be required by the applicable state licensing authorities whenever such licenses become available.

(4) Release of Liability and Hold Harmless

As a condition of approval for any Conditional Use Permit approved for the commercial cultivation, processing, manufacturing, testing, or distribution of cannabis ~~for medical use~~, as defined herein, the owner or permittee shall indemnify and hold harmless the City of Rio Dell and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacturing, testing or distribution of cannabis ~~for medical use~~ and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacturing, testing or distribution of cannabis ~~for medical use~~.

(5) Violations, Penalties and Enforcement

All of the remedies provided for in this Section shall be cumulative and not exclusive of remedies available for violations under any other Section of the Rio Dell Municipal Code, State law, including without limitation the MCRSA-Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), and applicable federal law.

Any violation of this Section, including, but not limited to failure to obtain and maintain in good standing the required Conditional Use Permit specified in this Section, shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative, civil, or criminal remedy available to the City under the applicable state and City laws, including those set forth in Section 17.40.020 of the Rio Dell Municipal Code- and any or all of the following:

- (a) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (b) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment of not longer than six months, or both for each violation;

(c) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(d) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

(6) Definitions

“Area of Traditional Tribal Cultural Affiliation” means geographic areas of historic occupancy and traditional cultural use by local indigenous peoples (California Native American Tribes), as shown on the latest mapping prepared by the County of Humboldt Planning & Building Department, created from geographic information supplied by the Tribes of Humboldt County.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agriculture Code or Section 11018.5 of the Health and Safety Code.

“Cannabis Testing and Research Laboratories” means a facility, entity, or site that offers or performs tests of cannabis or cannabis products licensed by the State of California pursuant to Business and Professions Code section 26000, et. seq., and businesses and research institutions engaged in the research of cannabis, cannabis products, or devices used for the medicinal or adult use of cannabis products at which no commercial cannabis cultivation or distribution, manufacture, dispensing, or sale of medical cannabis occurs.

“Commercial Cannabis Activity” means any activity involving the cultivation, processing, distribution, manufacturing, testing, sale, or related activities, of cannabis for commercial purposes.

“Commercial Cannabis Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis ~~for medical use~~, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with the ~~Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code~~ Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

“Cultivation Area” the area encompassed by the perimeter surrounding the area within which cannabis plants are cultivated. Where plants are cultivated in separated pots, beds or plots, the cumulative total surface area of all such pots, beds or plots, and the surface area underneath the maximum anticipated extent of vegetative growth of cannabis plants to be grown in separate pots, beds or plots, used in combination for a single permitted cultivation operation.

“Cultivation site” means the location or a facility where ~~medical~~ cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, except where drying, curing, grading or trimming is otherwise prohibited.

~~“Dispensary” means a facility where medical cannabis, medical cannabis products, or devices (excluding pipes and water pipes) for the use of medical cannabis products are offered, either individually or in any combination, for retail sale.~~

“Distribution Facility” means the location or a facility where a person ~~licensed with a Type 11 license pursuant to the MCRSA~~ conducts the business of procuring ~~medical~~ cannabis from licensed cultivators or manufacturers for sale to licensed ~~dispensaries~~ retailers, and performs and coordinates the inspection, quality assurance, batch testing ~~by a Type 8 licensee~~, storage, labeling, packaging and other related processes, ~~prior to transport to licensed dispensaries as well as transportation to or from other licensees.~~

“Extraction” means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

“Flowering” means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.

“Greenhouse” means a structure, primarily of glass or clear poly-film or polycarbonate plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

“Health and Wellness Center” means an establishment that offers health services for the body and mind, including but not limited to fitness, personal training, nutrition consulting, skin care services, massage, holistic and herbal therapies, therapeutic application and retail sales of medical cannabis products including oils, tinctures, sublingual’s, creams, lotions, pills, suppositories, cosmetics, etc., but excluding the sales of flowers, trim, leaf or cannabis infused edibles.

“Indoor” means indoor cultivation using exclusively artificial lighting or a combination of artificial lighting and natural sunlight in a building with a glass, polycarbonate plastic or similar roof.

“Licensee” means a person issued a state license under the ~~MCRSA~~ Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) to engage in commercial cannabis activity.

“Manufacturing Facility” means a process whereby the raw agricultural product is transformed into a concentrate, an edible product, or a topical product, and the production, preparation, propagation, or compounding of ~~medical~~ cannabis or ~~medical~~ cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Microbusiness” means a facility host to several Commercial Cannabis Activities under a single license including cultivation on an area less than 10,000 square feet, distribution, manufacturing without use of volatile solvents, and retail sales.

“Mixed-Light” means cultivation occurring in a greenhouse using a combination of natural and supplemental artificial lighting at a maximum threshold as set forth in performance standards in Section 17.30.190(8) of this ordinance, or as to be determined by the Department of Food and Agriculture, whichever is less.

“Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products for retail or wholesale sale, used specifically for the planting, propagation, and cultivation of ~~medical~~ cannabis.

“Off-site Processing Facility” means the location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged when conducted at premises separate from the cultivation site where the processed cannabis is grown and harvested.

“On-site Processing Facility” means the location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged by or under the control of one or more licensed cultivators, when conducted at the same premises or Parcel which is host to the cultivation site(s) where the cannabis is grown and harvested.

“Outdoor” means outdoor open-field (not in a greenhouse) cultivation using no artificial lighting. Outdoor cultivation as defined herein is not allowed in the City of Rio Dell.

“Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

“Premises” means a legal parcel compliant with the Subdivision Map Act, or a leasehold interest in agricultural land for agricultural purposes of outdoor or mixed-light cultivation or processing of ~~medical~~ cannabis, or space in an industrial or commercial building for purposes of indoor cultivation, processing, manufacture, or distribution of ~~medical~~ cannabis.

“Processing Facility” means the location or facility where ~~medical~~ cannabis is dried, cured, graded, trimmed, and/or packaged by or under the control of one or more licensed cultivators,

at a location separate from the cultivation site where the medical cannabis is grown and harvested.

“Propagation” means cultivation of immature, non-flowering cannabis plants.

“Sawmill Annexation Area” means the area north of the Eel River annexed into the City in 2008/2009, which area is shown on Figure 6-1, below.

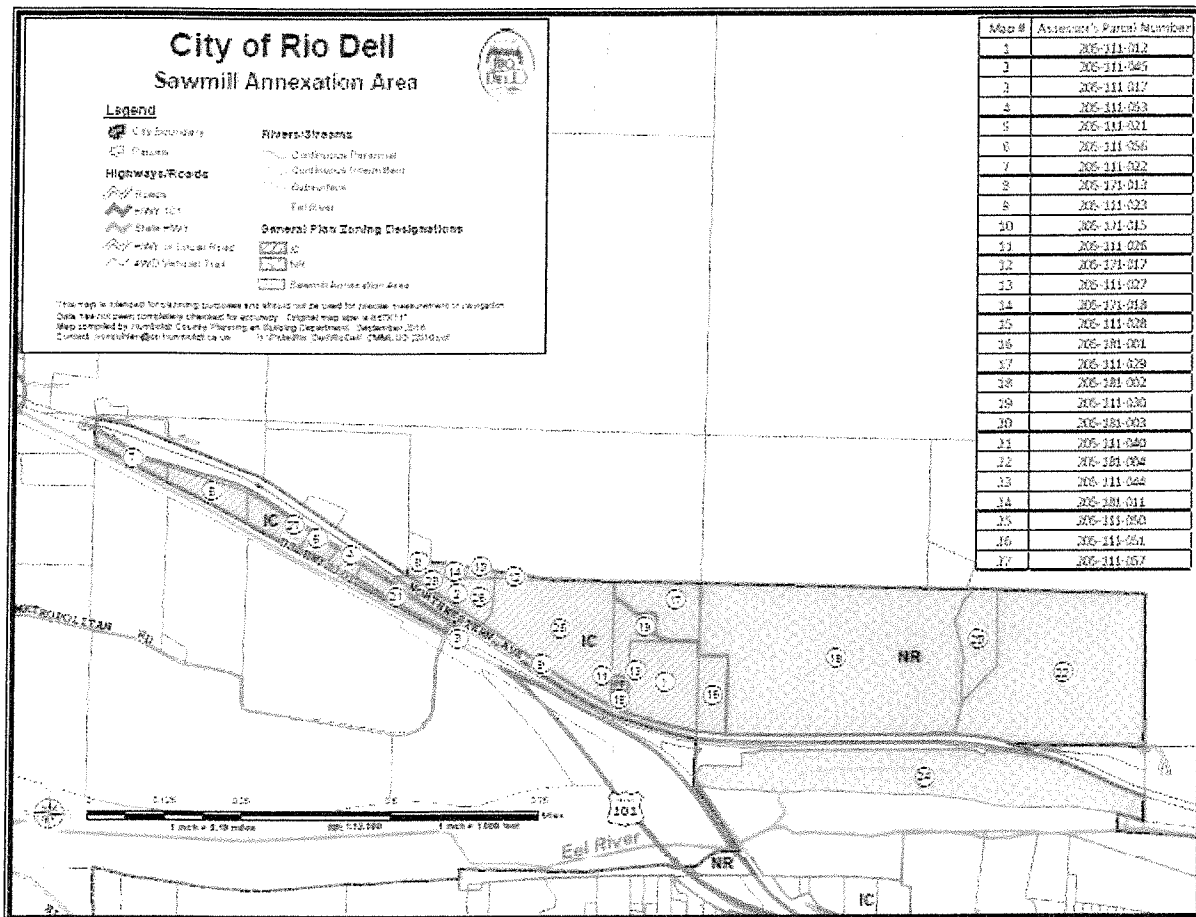


Figure 6.1
Sawmill Annexation Area

“Renewable Energy Source” means electrical power provided by a renewable energy system and/or Grid Power, supplied from 100% renewable source.

“Renewable Energy System” means equipment for generating and supplying power without use of petroleum or other fossil fuels, and instead using appropriate technology including but not limited to: wind turbines, photovoltaic panels, and hydroelectric systems, in concert with private devices and systems for energy storage and distribution including batteries, grid intertie, or other means.

“Retailer” means a facility for the retail sale and delivery of cannabis to the public, whether for medicinal or adult use.

“State license” means a state license issued pursuant to the ~~MCRSA~~ Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

“Testing Laboratory” means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following: with an ISO/IEC 17025 accreditation or equivalent recognized by the state.

~~(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry on the state; and~~

~~(2) Registered with the Department of Public Health.~~

“Tribal Cultural Resources” means sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe, including unique archaeological resources and historical resources as described under sections 21074, 21083.2(g), and 21084.1 of the Public Resources Code, respectively. Tribal Cultural Resource shall also include sites or resources identified by the tribe through an action of the Tribal Council or equivalent body.

(7) General Provisions

This section applies to all cannabis related facilities and activities involved in the Commercial Cultivation, Processing, Manufacturing, Health and Wellness Centers, Testing or Distribution of cannabis ~~for medical use~~, as defined in this Section.

- (a) All cannabis related facilities and activities, including commercial cultivation, processing, manufacturing, Health and Wellness Centers, testing, or distribution of cannabis ~~for medical use~~ shall operate in compliance with this Section, as well as all applicable state and local laws and conditions as deemed appropriate by the Planning Commission and/or the City Council.
- (b) Greenhouse and Mixed-Light commercial cultivation of cannabis ~~for medical use~~ shall be conducted entirely within a fully enclosed, secure and lockable greenhouse and shall be conditionally permitted in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area, pursuant to the “Greenhouse” and “Mixed-Light” parcel size and cultivation area provisions described in Table 8.1 and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.

- (c) Indoor commercial cultivation of cannabis ~~for medical use~~ shall be conditionally permitted in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area pursuant to the "Indoor" parcel size and cultivation area provisions described in Table 8.1 and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (d) Processing Facilities accessory and appurtenant to on site cultivation for commercial cannabis ~~for medical use~~ shall be a conditionally permitted use in the Industrial Commercial (IC) and Natural Resources (NR) designations located in the Sawmill Annexation area, subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (e) Stand alone, independent Processing Facilities for commercial cannabis ~~for medical use~~ shall be a conditionally permitted use in the Industrial Commercial (IC) designation zoning district located in the Sawmill Annexation area, subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (f) Extraction manufacturing of commercial cannabis concentrates ~~for medical use~~ shall be a conditionally permitted use in the Industrial Commercial (IC) designation located in the Sawmill Annexation area, subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (g) Manufacturing of edibles (commercial kitchens) ~~for medical use~~ shall be a conditionally permitted use in the Industrial Commercial (IC), designation located in the Sawmill Annexation area subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (h) Wholesale Distribution Facilities for commercial cannabis ~~for medical use~~ shall be a conditionally permitted use in the Industrial Commercial (IC) designation located in the Sawmill Annexation area subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (i) Nurseries, as defined herein, producing commercial cannabis nursery products for retail sale, bulk wholesale sale or to supply retail nursery outlets shall be a conditionally permitted use in the Industrial Commercial (IC) and Natural Resources (NR) designation located in the Sawmill Annexation area subject to a Conditional Use Permit and the

conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.

- (i) Testing laboratories as herein defined shall be conditionally permitted in the Industrial Commercial (IC) designation located in the Sawmill Annexation area subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.
- (j) Other than as enumerated in this Section, the commercial cultivation, processing, manufacturing, testing or distribution of cannabis for medical use in any other zoning district in the City of Rio Dell is prohibited.
- (k) Health and Wellness Centers as herein defined are allowed in the Industrial Commercial (IC) designation located in the Sawmill Annexation area subject to a Conditional Use Permit and the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council. No more than one (1) Health and Wellness Center administering therapeutic application and retail sales of medical cannabis products, including oils, tinctures, sublingual's, creams, lotions, pills, suppositories, cosmetics, etc., but excluding the sales of flowers, trim, leaf or cannabis infused edibles shall be allowed.
- (l) The fact that an applicant possesses other types of state or county or city permits, licenses or other entitlements does not exempt the applicant from the requirement of obtaining a Conditional Use Permit from the City of Rio Dell to engage in the commercial cultivation, processing, manufacturing, testing or distribution of cannabis for medical use within the jurisdiction of the City.
- (l) No more than four commercial cannabis activity permits of any type enumerated in Sections 17.30.195(8)(b) through 17.30.195(8)(g) of this ordinance may be issued to a single person, as defined herein. For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities.

(8) Cultivation Locations, Parcel Sizes and Allowable Canopies

The commercial cultivation of cannabis for medical use within the City shall be located in the Sawmill Annexation area in accordance with the following table:

**Table 8.1
Cultivation Locations, Parcel Sizes and Allowable Canopies**

**Greenhouse & Mixed-Light Cultivation
Industrial Commercial (IC) and Natural Resources (NR) Designations**

State License Type	Cultivation Type	Parcel Size	Allowable Canopy
Type 1 & 1B,	Greenhouse & Mixed Light	< 1 acre	1,000 sq. ft.
		1-2.49 acres	2,000 sq. ft.
		2.5-4.99 acres	5,000 sq. ft.
Type 2 & 2B,	Greenhouse & Mixed Light	5.0- 19.99 acres	10,000 sq. ft.
Type 3 & 3B,	Greenhouse & Mixed Light	≥ 20 acres	22,000 sq. ft.

**Indoor Cultivation
Industrial Commercial (IC) Designations**

State License Type	Allowable Canopy
Type 1A, "Specialty Indoor"	5,000 sq. ft.
Type 2A, "Small Indoor"	10,000 sq. ft.
Type 3A, "Indoor"	22,000 sq. ft.

**Indoor Cultivation
Natural Resources (NR) Designations**

State License Type	Parcel Size	Allowable Canopy
Type 1A, "Specialty Indoor"	< 1 acre	1,000 sq. ft.
	1-1.99 acres	2,000 sq. ft.
	2.0-4.99 acres	5,000 sq. ft.
Type 2A, "Small Indoor"	5.0- 9.99 acres	10,000 sq. ft.
Type 3A, "Indoor"	≥ 10 acres	22,000 sq. ft.

**Nurseries
Industrial Commercial (IC) and Natural Resources (NR) designations**

State License Type	Parcel Size	Allowable Canopy
Type 4, "Nursery"	N/A	43,560 sq. ft. State Limit

- (a) Processing of cannabis that is cultivated pursuant to these regulations may occur at the cultivation site subject to the Processing Performance Standards and Employee Safety Practices enumerated in Section 17.30.195(10) thru 17.30.195(13) are met.
- (b) Multiple applicants may obtain a Conditional Use Permit for greenhouse cultivation, mixed-light cultivation, or both, on one legal parcel so long as the cumulative cultivation area is within one contiguous cultivation footprint that does not exceed the total cultivation area size limits set forth in Table 8.1, Cultivation Locations, Parcel Sizes and Allowable Canopies.
- (c) A combination of cultivation types may be allowed in the same zone (e.g. greenhouse and, mixed light cultivation, or indoor cultivation and processing) that are for a total area equal to or less than the cultivated area size limit for the size of the underlying parcel.

(9) Application Requirements for All MCCLUO Conditional Use Permits:

- (a) A completed standard application form for a Conditional Use Permit with the required deposit fee.
- (b) If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement.
- (c) A **Site Plan** shall be submitted showing the entire parcel with dimensions, including easements, existing and proposed buildings, parking and loading facilities, landscaping, trash and recycling facilities, stormwater facilities, including retention/detention facilities streams and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 1000 feet. The plan shall be drawn to scale.
- (d) Floor Plans shall be submitted for existing and proposed buildings with dimensions and labeling identifying uses within the building(s). The plans shall be drawn to scale.
- (e) A **Plan of Operations** shall be submitted that includes, describes and addresses the following:
 - (i) A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.

- (ii) The number of daily and/or weekly incoming and outgoing deliveries
- (iii) A Security Plan that addresses the cultivation, storage, processing, manufacturing and testing of any ~~medical~~ cannabis, including but not limited to video monitoring and commercial alarm systems.
- (iv) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- (v) A description of the storage or use of any solvents, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- (vi) A description of any discharge or emissions the operation will generate.
- (vii) A description of any noise level increase as a result of the operation.
- (viii) A description of the operation's use of public facilities such as roads, water or sewer systems.
- (ix) A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

~~(e)~~ (f) A **Security Plan** shall be submitted that includes, describes and addresses the following:

- (i) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.
- (ii) The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the ~~medical~~ cannabis facility's security company shall be provided to the City Manager or designee.

~~(f)~~ (g) **Tribal Consultation:** For any ground disturbing activities, acknowledge that the City will consult with the local Wiyot Tribe, including their Tribal Historic Preservation Officer (THPO) or other tribal representatives, before the approval of any Conditional Use Permit. During

this process, the tribe may request that operations associated with the Conditional Use Permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern.

~~(g)~~ **(h) Community Relations:** Each ~~medical~~ cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the ~~medical~~ cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the ~~medical~~ cannabis facility. Each ~~medical~~ cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the ~~medical~~ cannabis facility.

~~(h)~~ **(i)** Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

~~(i)~~ **(j)** Owner(s) or employee(s) who makes or will make operational or management decisions that directly impact the business shall consent to a background check pursuant to Section 19322(a)(1)(A) of the Business and Professions Code, including submitting to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of State or Federal convictions and arrests, and information as to the existence and content of a record of State and Federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal. The applicant shall be responsible for the costs associated with the required background check.

(i) No Owner or employee who makes or will make operational or management decisions that directly impact the business shall have been convicted of an offense, or is currently free on bail or on his or her own recognizance pending trial or appeal for an offense, that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, including but not be limited to, the following:

(A) A felony conviction for the illegal possession for sale, manufacture, transportation, or cultivation of a controlled substance;

(B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(D) A felony conviction involving fraud, deceit, or embezzlement.

~~(j) (k) Compliance with the provisions of the Medical Cannabis Regulation and Safety Act Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), all applicable state laws and City ordinances.~~

~~(k) (l) Inventory Tracking System. All permittees shall purchase, implement and maintain updates to the inventory tracking software from the City's inventory tracking software system (ITSS) provider. A permittee must have at least one individual Owner or contractor who successfully completes all training necessary to properly use the ITSS as a System Administrator. The System Administrator may also designate specific inventory tracking system user(s) that have successfully completed all ITSS training required to access the system under the direct control of the System Administrator. The System Administrator and any designated users shall participate in all ongoing and continuing training as required to stay current with the software.~~

~~(i) Inventory Tracking. Permittees shall, at all times, maintain current inventory information on the City's ITSS.~~

~~All permittees subject to state licensure shall participate in local and state programs for "Track and Trace", once available.~~

~~(m) Notification to State Licensing Authorities: The City shall notify the appropriate state licensing authority whenever a Conditional Use Permit has been revoked or terminated following the expiration of any appeal period, or if an appeal has been filed, following the final determination of the appeal.~~

~~(n) The operator of the permitted facility shall maintain valid license(s) issued by the appropriate state licensing authority or authorities as provided in MAUCRSA for the type of activity being conducted, as soon as such licenses become available.~~

~~(o) All operators shall maintain a current, valid business license at all times.~~

(10) Performance Standards for all MCCLUO Cultivation Operations:

(a) No surface water withdrawals shall be allowed as part of any cultivation operations.

- (b) No Timberland Conversion Permits or Exemptions as approved by the California Department of Forestry and Fire Protection (CAL-FIRE) shall be used to facilitate the cultivation of medical cannabis.
- (c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area's (ESHA's). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.
- (d) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the City of Rio Dell or other responsible agency.
- (e) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023, is required by that Order, compliance with the standard conditions applicable to all Tier 1 dischargers.
- (f) The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be in compliance with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).
- (g) Trucked water shall not be allowed as the primary water source. Water is to be sourced locally (on-site), except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action."
- (h) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.
- (i) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.

(j) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

(k) Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.

(l) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

(m) Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:

(i) On-grid power with 42 percent renewable source.

(ii) Onsite zero net energy renewable source providing 42 percent of power.

(iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.

(iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

(n) Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

~~(m)~~ (o) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

~~(11) Employee Performance Standards for Cultivation and Processing Activities:~~

~~(a) Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”~~

~~(b) Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA and the California Agricultural Labor Relations Act.~~

~~(c) Cultivators engaged in processing shall comply with the following Processing Practices:~~

~~i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment; and~~

~~ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis; and~~

~~iii. Employees handling cannabis in processing operations must have access to facemasks, coveralls and gloves in good operable condition as applicable to their job function; and~~

~~iv. Employees must wash hands sufficiently when handling cannabis or use gloves.~~

~~(d) All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:~~

~~i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:~~

~~● Emergency action response planning as necessary; and~~

~~● Employee accident reporting and investigation policies; and~~

~~● Fire prevention;~~

~~● Hazard communication policies, including maintenance of material safety data sheets (MSDS); and~~

~~● Materials handling policies; and~~

~~● Job hazard analyses; and~~

- ~~Personal protective equipment policies, including respiratory protection.~~
 - ii. ~~Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:~~
 - ~~Operation manager contacts; and~~
 - ~~Emergency responder contacts; and~~
 - ~~Poison control contacts.~~
 - iii. ~~At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.~~
 - iv. ~~On site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.~~
- (e) ~~All cultivators shall, at the time of the application for a cultivation permit, include a Processing Plan with all of the following:~~
- i. ~~Summary of Processing Practices.~~
 - ii. ~~Description of location where processing will occur.~~
 - iii. ~~Estimated number of employees, if any.~~
 - iv. ~~Summary of Employee Safety Practices.~~
 - v. ~~Description of toilet and handwashing facilities.~~
 - vi. ~~Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.~~
 - vii. ~~Description of source of drinking water for employees.~~
 - viii. ~~Description of increased road use resulting from processing and a plan to minimize that impact.~~
 - ix. ~~Description of on-site housing, if any.~~

~~(12)~~ (11) Performance Standards for Manufacturing Activities:

- (a) Compliance with CAL/OSHA, OSHA regulations.
- (b) Compliance with State and local building regulations, including the California Building Code (CBC) and the California Fire Code (CFC).
- (c) A Security Plan that addresses how the following measures shall be implemented or complied with:
 - (i) Entrance to the extraction areas and any cannabis storage areas shall be locked at all times, and under the control of facility staff.
 - (ii) Medical cannabis shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.
 - (iii) Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.
- (d) If using CO₂ in processing, a professional grade closed-loop CO₂ gas extraction system rated to a minimum of fifteen thousand (15,000) pounds per square inch (PSI) is required for every vessel in the system.
- (e) Extraction processes shall use a commercially manufactured professional grade closed-loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted sound engineering practices, such as (i) The American Society of Mechanical Engineers (ASME); (ii) American National Standards Institute (ANSI); (iii) Underwriters Laboratories (UL); or (iv) The American Society for Testing and Materials (ASTM).
- (f) Volatile extraction operations shall occur in a spark-proof, explosion-proof room equipped with evacuation fans and lower explosive limit (LEL) detectors.
- (g) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.
- (h) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.

- (i) Manufacturers of edibles shall comply with the regulations in the California Health and Safety Code, which includes the California Retail Food Code administered by the California Department of Health Services - Food and Drug Branch, California Department of Food and Agriculture and the County Department of Environmental Health.
- (j) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

~~(13)~~ (12) Performance Standards for Testing Laboratories

- (a) Entrance to the lab area and any cannabis storage areas shall be locked at all times, and under the control of facility staff.
- (b) ~~Medical~~ Cannabis shall be stored in a secured and locked room, vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.
- (c) Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the California Building Code.
- (d) All laboratory testing facilities shall comply with Sections 19341 through 19345 of the California Business and Professions Code.
- (e) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

(13) Performance Standards for Health and Wellness Centers

- (a) Health and Wellness Centers shall not sell or distribute cannabis flowers, trim, leaf or cannabis infused edibles.
- (b) The facility shall be alarmed with an audible interior and exterior alarm system, unless waived for extenuating circumstances by the Planning Commission that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the medical marijuana facility's security company shall be provided to the City.
- (c) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a

format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.

- (d) Entrance to the any medical cannabis products storage areas shall be locked at all times, and under the control of facility staff.
- (e) Medical cannabis products shall be stored in a secured and locked room, vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.
- (f) The sale of any medical cannabis products shall be limited to qualified patients, as defined in Section 11362.7 of the Health and Safety Code.
- (g) Medical cannabis may not be inhaled, smoked, eaten, ingested, vaped, or consumed at the premises and/or location.
- (h) The sales of pipes, including water pipes and other paraphernalia are prohibited.

(14) Term of Conditional Use Permit.

Any Conditional Use Permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless the required compliance inspections have been conducted and the permitted site has been found to comply with all conditions of approval and the renewal fee and operation fee submitted.

- (a) Permit Renewal. A Permit renewal application, renewal fee and operating fee must be submitted at least forty-five (45) days before the expiration of the Permit. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the Permit on the expiration date. A Permit may not be renewed if any violations of or non-compliance with the Permit or these regulations exists. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure the new standards are met.

(15) Changes to Ownership or Modification to Premises.

A Conditional Use Permit is non-transferable to another location and no transfer to another Owner or modifications to a permitted facility may be made except in accordance with these regulations.

- (a) **Transfer of Ownership.** A request for change in Permit ownership shall be submitted to the City at least sixty (60) days prior to the anticipated transfer, together with the required fee. Requests submitted less than sixty (60) days before the transfer will be processed only in the City's discretion and may be subject to an expedited processing fee. A new Owner(s) shall meet all requirements for applicants of an initial permit. The request shall include the following information:
 - i. Identify information for the new Owner(s) and management as required by the initial permit application, including names and contact information and Section 17.30.195(i) of the Rio Dell Municipal Code; and
 - ii. The specific date on which the transfer is to occur; and
 - iii. Acknowledgement of full responsibility for complying with the existing permit and any conditions attached thereto.
- (b) **Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the City, at least thirty (30) days in advance of initiating the modifications, a request for determination of City approvals, together with the appropriate fee. The request shall contain a detailed description to allow the City to determine what, if any permits and/or other approvals are needed.

(16) Inspections

Each permitted activity is subject to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

If the inspector or other City official determines that the site does not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit and License, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

(17) Appeal of Inspection Determination

Within ten (10) business days after delivery of the statement of non-compliance, the determination by the inspector that the site is or is not in compliance may be appealed by any interested party to the Planning Commission. The appeal shall be made, in writing, on a form provided by the City. The fee for filing the appeal is based on the adopted fee schedule in effect at the time of the appeal.

- (a) The appeal shall be heard by the Planning Commission within thirty (30) days following the filing of the appeal. The Planning Commission shall render a written ruling on the appeal within three (3) business days following the hearing.
- (b) The decision of the Planning Commission may be appealed to the City Council in accordance with Section 17.35.050 of the Rio Dell Municipal Code. If a timely appeal to the City Council is not filed, the ruling by the Planning Commission shall be final.

(18) Revocation by Operation of Law

Any Conditional Use Permit issued under this Section shall be revoked by operation of law, and without prior notice to the permit holder, in the event the permitted activity is made illegal under the laws of the State of California.

The City shall notify any state license authority, as defined by the ~~MCRSA~~ Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), whenever the Conditional Use Permit and License has been revoked or terminated.

(19) Fees, Taxes and Other Charges

The Council may establish fees, taxes or other charges for a commercial cannabis activity permit by resolution or ordinance. The failure to pay all applicable fees, taxes and other charges when due shall be a violation of the Section as contemplated by subsection 17.30.195(5), above.

RESOLUTION NO. PC 111-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND THE MEDICAL CANNABIS
REGULATIONS, SECTION 17.30.195 RIO DELL MUNICIPAL CODE TO ELIMINATE THE
REFERENCE TO MEDICAL OR MEDICINAL CANNABIS AND TO INCLUDE SOME NEW
DEFINITIONS AND OTHER MINOR CHANGES CONSISTENT WITH THE NEW STATE
REGULATIONS.**

WHEREAS the City adopted the Medical Cannabis Land Use Ordinance (MCLUO) prior to the approval of Proposition 64, the Adult Use of Marijuana Act (AUMA); and

WHEREAS as a result of the passage of Proposition 64, the State eliminated the Medical Cannabis Regulation and Safety Act (MCRSA) and created the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS throughout the State municipalities and counties are or have amended their medical cannabis land use regulations to allow for Adult "A" cannabis activities consistent MAUCRSA; and

WHEREAS locally, Humboldt County, Eureka and Arcata are in the process of eliminating references to medical commercial cannabis so as to allow both recreational and medical cannabis activities; and

WHEREAS the City Council discussed the possibility of eliminating references to medical commercial cannabis so as to allow both recreational and medical cannabis activities at their meeting on January 16, 2018; and

WHEREAS the meeting was well attended by the stakeholders who basically stated that they needed access to the adult market in order to be competitive and successful in this new legal market; and

WHEREAS the City's current regulations limit opportunities for our local developers as identified below:

- Manufactures are restricted to purchase only Medicinal (M) raw materials. Most local farmers are focusing on the larger Adult (A) market.
- The approved testing lab (DigiPath) would be limited to testing only Medicinal (M) products. This only allows access to about 25% of the potential market.
- Processers and distributors would also be limited to processing and distributing Medicinal (M) products. Again that's only about 25% of the expected market.
- Nurseries, including tissue culture propagation would be limited to Medicinal (M) plants. The proposed nurseries would not be able to provide nursery stock to the regional farmers and to our local citizens who cultivate for their personal recreation use.
- Rio Dell is at a competitive disadvantage to not only other local jurisdictions, but jurisdictions and businesses up and down the State; and

WHEREAS the proposed changes are really minor in nature. Basically for the most part, staff is recommending that the reference to medical or medicinal cannabis be eliminated; and

WHEREAS there are also some new definitions and other minor changes consistent with the new State regulations; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed minor amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the Planning Commission has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council:

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the proposed amendments, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment; and
4. Adopt Ordinance No. 364-2018 amending the Medical Cannabis Regulations, Section 17.30.195 Rio Dell Municipal Code to eliminate the reference to medical or medicinal cannabis and to include some new definitions and other minor changes consistent with the new State regulations.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of January 23, 2018 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the Planning Commission of the City of Rio Dell on January 23, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 111-2018 adopted by the Planning Commission of the City of Rio Dell on January 23, 2018.

Karen Dunham, City Clerk, City of Rio Dell

**RIO DELL CITY COUNCIL
REGULAR MEETING
JANUARY 16, 2018
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Wilson.

ROLL CALL: Present: (Closed Session) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes and Marks, City Manager Knopp, Community Development Director Caldwell and City Attorney Gans

Absent: Councilmember Strahan (excused)

Present: (Regular Meeting) Mayor Wilson, Mayor Pro Tem Johnson, Councilmember Garnes and Marks

Others Present: City Manager Knopp, Chief of Police Conner, Finance Director Woodcox, Community Development Director Caldwell, City Attorney Gans and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Purvis

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS

Conference with Legal Counsel – Anticipated Litigation – 1 Potential Case: Facts and Circumstances Unknown

The Council recessed into closed session at 6:00 p.m. to discuss the above matter.

The Council reconvened into open session at 6:30 p.m.

Mayor Wilson announced there was no reportable action taken in closed session.

PUBLIC PRESENTATIONS

Nick Angeloff provided an update on recent activities in the Chamber of Commerce and thanked everyone for efforts with regard to Christmas lights. He noted that they will be purchasing additional lights soon to take advantage of the after Christmas sales. The goal is to extend garland throughout town and eventually light up the Rio Dell Scotia Bridge. He thanked the many businesses that contributed funds toward the holiday decorations.

CONSENT CALENDAR

Motion was made by Johnson/Garnes to approve the consent calendar as presented. Motion carried 4-0.

Mayor Wilson announced a change in the order of the agenda and moved the discussion related to Cannabis Regulations as the next matter of business.

Discussion Related to Possible Revision of the City's Cannabis Regulations to Include Adult "A" Activities

City Manager Knopp distributed a handout on discussion points related to Medical/Recreational Cannabis (Attachment 1 to these minutes). He continued with review of the discussion points including an overview of the following topics:

- Current Cannabis Proposals in Rio Dell
- Cannabis Background and Facts
- What Other Jurisdictions are Doing
- Medicinal Market Only
- Advantages of Allowing Adult (A) Activities

He noted that the Council received a series of correspondence from stakeholders regarding proposed changes to the City's Cannabis Regulations they feel are necessary and noted that the City's Medical Cannabis Ordinance was adopted in October 2016 prior to the approval of Proposition 64 Adult Use of Marijuana Act (AUMA).

He said so far the Planning Commission has approved 50,000 square feet of development across the river with \$8 million in investments with estimated 53 new jobs and another 100,000 square feet is currently under review. He said the potential annual revenue to be generated for the City is \$980,000 which can be used for infrastructure, public safety and other community services.

He continued with review of the various Cannabis ballot measures and noted that Measure T, the Cannabis Advisory Measure passed by Rio Dell voters with 53.41% yes votes and Measure X, the Cannabis Tax Measure with an overwhelming 80.96% yes votes. He pointed out that the ballot measures did not specifically refer to "Medicinal" Cannabis only.

City Manager Knopp reported that Humboldt County, Eureka and Arcata are currently in the process of eliminating references to medical commercial cannabis and allowing both recreational and medical cannabis activities. He said a key fact to remember is that there is little appreciable difference between an ordinance that regulates medical marijuana, and an ordinance that regulates recreational marijuana. Both are agricultural products and are chemically identical for purposes of local regulation. The only difference is with regard to labeling; one will include an "M" for Medical Cannabis and the other with and "A" for Adult Cannabis.

Another important point is that prohibiting Adult "A" activities will not eliminate recreational cannabis in the City as residents may cultivate up to six (6) plants and/or purchase recreational cannabis in the County, Eureka and Arcata including having it delivered to Rio Dell.

He explained that the problem with only allowing a medicinal market is that manufacturers are restricted to purchase only Medicinal (M) raw materials and most of the local cultivators are focusing on the larger Adult (A) market. In addition, the testing labs would be limited to testing only Medicinal (M) products which is only about 25% of the potential market. He said this would also apply to processors and distributors. He pointed out that restricting cannabis to the (M) market only would put Rio Dell at a competitive disadvantage.

City Manager Knopp continued with a review of the advantages of allowing Adult (A) activities and noted that in addition to allowing businesses to reap the benefits of the anticipated \$4.3 billion industry, it would result in substantial increased tax revenue for the City as well. The revenue could provide services including additional police officers, code enforcement for both the new industry and the black market, infrastructure improvements in sewer, water, drainage, and much needed street repairs. In addition, it would create jobs, trigger additional economic and residential development and encourage a legal, regulated market hopefully reducing the black market.

He also pointed out that Measure "U", the City's local sales tax measure which generates approximately \$255,000 a year will end in 2019.

He said staff is recommending the Council consider allowing Adult (A) cannabis activities at the Humboldt Rio Dell Business Park and encouraged them to listen to the comments and concerns of stakeholders. He said staff is looking for direction from the Council and the range of options would include either 1) to terminate any action; 2) to refer the matter back to the Planning Commission; or 3) to direct staff to return to Council with the first reading of the draft ordinance.

Mayor Wilson opened the public hearing to receive public comment on the proposed matter.

Glen Broder addressed the Council and said he was very interested in Rio Dell because of the primary focus on medical cannabis. As the State progressed it made Rio Dell more difficult to deal with because they would be restricted to medical providers only. He said without Adult (A) activities it will limit the size of companies. He said having it would help patients as products could be distributed to more parts of the State.

Susan Combs, CEO of CW Ranch in the Salmon Creek watershed presented correspondence to the Council (Attachment 2 to these minutes) urging the Council to expand the cannabis permitting process to include Adult (A) activities. She pointed out that as a permitted mom and pop cannabis business they have encountered a tremendous bottle neck with regard to seeking legal outlets for their medical and adult use products. She pointed out that studies show an expansion of adult use cannabis as the medical market shrinks and Rio Dell is in a unique position to take advantage of that expanding market. She said adding adult use to the permit process not only will help Rio Dell but the growing number of permitted cultivators seeking to move away from a non-regulated black market and provide tested, tracked, safe products to the medical consumer as well as the adult consumer.

Glen White addressed the Council and commented that his project has obviously been delayed but indicated that he would be ready to submit application for a building permit in approximately two (2) weeks. He advised the Council that there is currently a huge demand for adult cannabis although it may level out in time because of the taxes. He pointed out that his development alone requires an \$8-10 million investment just for the shell and expressed concern for their tenants who are also concerned about investing \$1.5 million, for example a testing facility that will be restricted to testing only medical cannabis. He said the difference in the medical market that kept everyone in business and vertically integrated is that there are a lot of people as everyone knows, consuming cannabis under a medical card for personal use. The goal is to bring cannabis out of the hills so it can be tested, tracked and traced. The only difference in Medical (M) and Adult (A) cannabis is the label and if the Council doesn't wrap their arms around it, the developers will go elsewhere. He encouraged the Council to put the taxes back into Rio Dell by expanding the permitting process to include Adult (A) activities.

He commented that he recently visited an FDA laboratory (BioZone) in Pittsburg, CA and they want to become a component of what his business will be doing such as producing medical salves, creams, applications etc. and they have a product called "gelatine" that has CBD added that they are marketing. He said they also want to be able to kick back a percentage of gross profits to medical research which is what he would like to do. In the end if they are limited to the medical market only, there will be no extra profits to go toward medical research. He added that everyone knows there is a federal cloud hanging over everything but it will likely always be there. He said if Jeff Sessions and the Federal government comes after California and limits permits to medical only, those store fronts will still be there and they will move back into the medical only market. He urged the Council to help create the flow and get the product out of the hill and get it regulated.

Heidi Schneider, Rio Dell Holdings said that they were in the process of permitting a large project and Adult (A) activities are a huge factor in their success. She said with both Medical (M) and Adult (A) type activities, they anticipate the creation of 50-60 jobs; without it they might as well go somewhere else.

Nick Angeloff addressed the Council as President of the Chamber of Commerce and said in looking at this issue objectively there are several factors to consider. Without the Adult (A) activities, access to products will be much more difficult. Also, the tax benefit to the City would be limited to 25% of the market rather than 100% resulting in less money available for enforcement efforts not only at the business park but on this side of the river as well. He noted that since there will be no dispensaries in the City there is really no difference between Medical (M) cannabis and Adult (A) cannabis.

He emphasized the fact that the City's main focus on the industry has been for medical research and suggested it be stated as such in the ordinance and that the term "Medical Cannabis" be changed to "Commercial Cannabis" with the inclusion of Adult (A) activities to let the developers be on a competitive paying field.

Alex Moore, Honeydew Farms noted that they currently own two (2) parcels at the Humboldt Rio Dell Business Park and without the inclusion of Adult (A) activities they will be forced to terminate their project.

Teisha Mechetti, Agricultural Specialist, Ag Dynamix pointed out that legislation has led to legalization of adult use cannabis and that both medical cannabis and adult cannabis are regulated the same. She said she sees Rio Dell as becoming a service base and Adult (A) use becoming predominant. As such she said she would hate to see it bottle neck now. From an economic aspect, it is a wise move for the City to expand the regulations to include adult cannabis as it would be an economic stimulator for the City.

Shannon McWhorter commented that he and his brother own a 3 acre parcel in the business park and are currently working on a multi-million dollar project. He said the way the State has moved the bar up and down has made Rio Dell's ordinance obsolete as far as being competitive with the rest of the market and encouraged the Council to look real hard and allow both medical and adult cannabis activities.

Tina Christensen, local realtor, addressed the Council and said that over the years she has seen industries come and go pointing out the decline in the fishing and timber industry. She said it is sometimes hard for our older folks to accept that change is eminent. Everyone may not like it but it is happening so they have to accept it and move forward. She recognized the young entrepreneurs with innovative ideas coming forward with what was a hidden industry for so many years and now there is an avenue to make it legal and expressed support for the inclusion of adult cannabis activities.

There being no further public comment, the public hearing closed at 7:12 p.m.

Mayor Pro Tem Johnson asked Chief of Police Conner to comment on the subject.

Chief of Police Conner commented that he has been involved in law enforcement for 25 years and Prop 215 has been in place for approximately 20 years. The reality is that the majority of cannabis acquired under 215 legislation was for recreational use rather than medical use as intended. He said his belief is that the main purpose of regulating cannabis is to bring in the black market and decrease environmental damage and public risk by reducing the number of illegal hash labs. Also to protect streams and wildlife and preserve water supplies. He said the tax revenue coming into the City will provide for increased enforcement to force the black market to stop growing in an unsafe environment.

Community Development Director Caldwell pointed out that had the City not annexed the sawmill site, it would be developed as a cannabis park under the County's jurisdiction with both medical and adult cannabis activities and the County would benefit from the taxes rather than the City. He said the City has the unique opportunity to capitalize on this industry with the creation of jobs, increased tax revenue and economic development. He commented that this

is the best economic opportunity he has seen in Humboldt County in the entire 35 years he has lived here.

Mayor Pro Tem Johnson said he would like staff to work with the City Attorney and develop a draft ordinance to include both medical and adult cannabis.

Councilmember Marks was in support of scheduling a study session with the city council and the planning commission to review the proposed changes prior to submittal of the draft ordinance.

Mayor Wilson agreed and said it is obvious there needs to be further discussion on the ordinance with the planning commission and the Council as a whole. He commented that it was originally thought that medical users would be able to purchase cannabis at large then decide its end use but more recently the Bureau of Cannabis Control has made it crystal clear that Adult (A) cannabis can only be used for (A) products and the same thing with Medical (M) cannabis.

He suggested a public study session be scheduled with the Council, Planning Commission and the stakeholders. He added that the City Council as a whole needs to come to a conclusion on what they want the end picture of the City to look like. The Council has huge latitude in the ability to create ordinances and the ordinance needs to be well vetted before bringing it forward for adoption.

Councilmember Garnes expressed concern about the review becoming a long drawn out process and said the Council needs to allow legal businesses to thrive when the City doesn't have anything else to give them except the ability to thrive. She pointed out that the ordinance doesn't allow retail sales and no one is talking about destroying the City or putting cannabis in the hands of children. If the businesses can't make a profit then the City doesn't receive those profits in taxes. She said the reality is that both medical and adult cannabis are legal in California and the voters have spoken so it doesn't make sense to draw the process out. She noted that the Council has restricted all activities across the river, there are developers who are willing to invest millions of dollars which can go towards repairing the City's horrible streets yet the Council is sitting here trying to decide whether to allow them to move forward. She said it is an injustice to the stakeholders and the citizens of Rio Dell if the Council doesn't take this opportunity to fix this city because they are trying to decide whether adult cannabis activities should be allowed when it's already legal. She suggested staff be directed to simply remove the word "medical" from the text of the ordinance and bring it back to Council.

Mayor Wilson commented that he would still like to have a study session with the full Council and Planning Commission so everyone is on the same page.

Community Development Director Caldwell said one option would be to hold the study session on January 23rd during the regular Planning Commission meeting.

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Mayor Pro Tem Johnson announced that he would be out of town until February 1st but had no objection of holding the study session in his absence as he had already expressed his opinion about the ordinance.

A Study Session with the Planning Commission was scheduled for January 23rd at 6:00 p.m. as suggested.

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For Meeting of: January 23, 2018
 Consent Item; Public Hearing Item

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager 
Date: January 17, 2018
Subject: Sign Regulations

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Section 17.30.300 of Rio Dell Municipal Code, the City's existing sign regulations; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 116-2018 recommending that the City Council repeal the existing Sign and Nameplate regulations, Section 17.30.300 and the Outdoor Advertising regulations, Section 17.30.210 of the Rio Dell Municipal Code and establish new Sign and Nameplate regulations, Section 17.30.300.

Background and Discussion

Staff presented the draft Sign Regulations at your meeting of October 24, 2017. The proposed sign regulations were briefly discussed and continued to our next regularly scheduled meeting. As the Commission is aware there was not a Planning Commission meeting in November and December due to the holidays.

Staff mailed the proposed regulations to all the businesses and property owners of commercial property in the City requesting that they review and provide comments and suggestions. Only Adam Dias contacted staff with a couple questions, but felt that the draft regulations were an improvement.

Staff presented to the Planning Commission what was believed to be an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC). The City adopted the current zoning regulations in 2004. The vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59.

Upon a review of the sign regulations, staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone. The current sign regulations are included as Attachment 1. The applicable provision is identified below: **17.30.260 Signs and nameplates.**

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone (emphasis added).

Staff reviewed the original sign regulations, Section 6.18, Ordinance 59 included as Attachment 2, and determined what we believed was an error in carrying over the previous regulations into the current regulations. Section 6.18(e) of the original sign regulations are provided below:

6.18 Signs and nameplates.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any C or M-L zone (emphasis added).

Staff presented this information to your Commission at the meeting of August 22, 2017. At that time Commissioner Marks informed staff and the rest of the Commission, that there was not in fact an error or oversight in carrying over the sign regulations to the Town Center and Neighborhood Center zones. Apparently, these two zones were intentionally omitted due to concerns that the allowed size (up to 300 square feet) may be inappropriate in the Town Center and Neighborhood Center zones.

Staff has completely revised the existing Signs and Nameplate regulations, Section 17.30.300 of the Rio Dell Municipal Code. Please see Attachment 2. In addition, staff is recommending that Section 17.30.210, Outdoor Advertising (billboards), be eliminated because the proposed Sign and Nameplate regulations have been expanded to include billboards (Freeway Oriented Signs).

The purpose of the new sign regulations is to

- Encourage creative and innovative approaches to signage within the community that are of high quality design and character and contribute to the overall appearance of the community; and

- Encourage signage that is architecturally and cosmetically compatible with the surrounding area; and
- Enhance the overall property values in the city by discouraging signage that contributes to the visual clutter of the streetscape, such as oversized signs and excessive temporary signs; and
- Enhance aesthetic and traffic safety in the community by minimizing signage information to ensure that signage does not distract motorists, obstruct, or otherwise impede traffic circulation; and
- Safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signage. The standards of this chapter apply to signs in all zoning districts. Only signage specifically authorized by this chapter shall be allowed.

As part of the proposed sign regulations, staff is recommending that a Uniformed Sign Program be established for certain developments. The purpose of the uniform sign program is to integrate design of signs with the design of the structures to achieve a unified architectural theme. The following situations would require the developers to establish uniform design standards for signs:

- New multi-tenant developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities; or
- Whenever three (3) or more signs are requested by a single tenant in an existing multi-tenant project that is currently not covered by a uniform sign program; or
- Whenever the City determines that a uniform sign program is appropriate in order to achieve the objectives of the sign regulations.

The current regulations limit signs in the Town Center and Neighborhood Center zones to **non-illuminated signs** of not more than 75 square feet. Obviously, the inability to illuminate a sign after sunset cannot be advantageous to a local business. Staff is recommending the following standards for parcels located in the Town Center and Neighborhood Center zones:

Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.)	Illumination Standards
Town Center and Neighborhood Center Zones:					
Building signs ¹ :	1 per business	100	Roofline	-	No glare onto residential property
Freestanding signs: Individual businesses	1	50	10	10	Indirect or background
Freestanding signs: Integrated development	1	150	15	10	Indirect or background

The current regulations allow signs up to 300 square feet in the Community Commercial zone. Although it is not explicitly identified, it has been the practice of the City to allow the signs to be illuminated. The purpose of the Community Commercial zone is to provide for large-scale commercial uses, including shopping centers, large scale retail stores, supermarkets and automobile sales.

Currently there are no regulations regarding signs in the Industrial Commercial zone. However, prior to the 2004 changes, signs in industrial zones were also allowed up to 300 square feet. Staff is recommending the following standards for parcels located in the Community Commercial and Industrial Commercial zones:

Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.)	Illumination Standards
Community Commercial and Industrial Commercial Zones:					
Building signs	1 per business	125	Roofline	-	No glare onto residential property
Freestanding signs	1 per business	150	35	10	No glare onto residential property
Freestanding signs, integrated development ⁴	1 per project entrance	300 ³	35	10	No glare onto residential property

Staff believes the primary talking points regarding signs in the various commercial zones will be the recommended size limits.

Staff is also recommending regulations for menu/order board signs, election/ballot measure signs, (page 4 of the Draft Ordinance), awning signs, blade/bracket signs (page 6 of the Draft Ordinance), monument and reader board signs (page 7 of the Draft Ordinance), time and temperature signs, banner/feather signs and freeway oriented (billboard) signs (page 8 of the Draft Ordinance). Because the proposed sign regulations include freeway oriented (billboard) sign regulations, staff is recommending that Section 17.30.210, Outdoor Advertising be repealed.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Amendment Required Findings:

1. The proposed amendment is in the public interest.

The proposed sign regulations are in the public interest in that they would allow signage in Town Center, Neighborhood Center and Industrial Commercial zones. In addition, the success of a

business depends in part on the location and visibility, including signage. A vibrant commercial district is in the public's interest.

2. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, and protect the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. Appropriate and visible signage is an important factor in the success of any business. There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendments. Therefore, staff believes the proposed regulations are consistent with the General Plan.

3. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments to the sign regulations will have a significant effect on the environment.

Attachments:

Attachment 1: Existing Sign Regulations, Section 17.30.300 Rio Dell Municipal Code.

Attachment 2: Draft New Sign and Nameplate regulations, Section 17.30.300 the Rio Dell Municipal Code.

Attachment 3: Resolution No. 116-2018 recommending that the City Council amend the current Sign and Nameplate regulations, Section 17.30.300 of the Rio Dell Municipal Code.



17.30.300 Signs and nameplates.

(1) On-Site Signs. Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

(a) One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two square feet shall be permitted in urban residential, suburban residential, or suburban zones, and not exceeding four square feet shall be permitted in all other zones.

(b) One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six square feet shall be permitted in any zone; not exceeding 15 square feet shall be permitted in any CC, NC, or TC zone.

(c) Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a use permit in any zone.

(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

(g) No permit for any sign shall be issued and no sign shall be constructed or maintained which does not comply with all provisions of this title or which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

(2) Off-Site Signs. No sign advertising a commercial good, product or service which is located on a different lot or parcel of land from which the commercial advertiser's place of business is located shall be permitted, except with a use permit. Limited temporary off-site signs providing location and other information relating to local events and activities shall be permitted if installed with the permission of the property owner. [Ord. 252 § 6.18, 2004.]

(3) Election Campaign Signs. Temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the following regulations:

(a) Signs may be displayed up to 60 days before a scheduled election and must be removed within 10 days after the election;

(b) Signs shall be limited to 4 square feet and 48 inches in height. No more than 4 signs shall be allowed on any one parcel;

(c) No sign may be placed on private property without the consent of the property owner.

(d) Signs may be freestanding or attached to existing buildings or fences. However they are not permitted on street signs, trees, shrubs, bus stops, power poles, utility cabinets or other public appurtenances;

(e) Signs may not be placed within 15 feet of any fire hydrant, street sign or traffic signal, or interfere with, confuse, obstruct or mislead traffic;

(f) Signs may not be placed within a public right of way, nor within 30 feet of an intersection and no closer than 3 feet from the curb. Where no curb exists, signs shall be at least 5 feet from the edge of the pavement;

(g) Homeowners are allowed to place political signs in the windows of their property;

(h) Signs may not be illuminated, including motion and/or flashing lights, but may be placed where existing lighting may permit them to be seen at night. [Ord. 289 17.30.260, 2012.]

RESOLUTION NO. PC 116-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING AMENDING THE SIGN REGULATIONS,
SECTION 17.30.300 AND REPEALING THE OUTDOOR ADVERTISING REGULATIONS,
Section 17.30.210 OF THE RIO DELL MUNICIPAL CODE:**

WHEREAS staff recently discovered an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC); and

WHEREAS the City adopted the current zoning regulations in 2004 and the vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59; and

WHEREAS staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone; and

WHEREAS the original sign provisions, Section 6.18 of the Rio Dell Municipal Code (RDMC) applied to all commercial zones and the Limited Industrial (M-L) zone; and

WHEREAS the 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone; and

WHEREAS staff presented this information to the Planning Commission at the meeting of August 22, 2017. At that time Commissioner Marks informed staff and the rest of the Commission, that there was not in fact an error or oversight in carrying over the sign regulations to the Town Center and Neighborhood Center zones; and

WHEREAS the Town Center and Neighborhood Center zones were intentionally omitted due to concerns that the allowed size (up to 300 square feet) may be inappropriate in the Town Center and Neighborhood Center zones; and

WHEREAS staff has completely revised the existing Signs and Nameplate regulations, Section 17.30.300 of the Rio Dell Municipal Code; and

WHEREAS staff is recommending that Section 17.30.210, Outdoor Advertising (billboards), be eliminated because the proposed Sign and Nameplate regulations have been expanded to include billboards (Freeway Oriented Signs); and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendments are deemed to be in the public interest; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the Planning Commission finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the Planning Commission has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council:

1. Finds that the proposed amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

3. Finds that based on the nature of the proposed amendments, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment; and
4. Adopt Ordinance No. 362-2018 repealing the existing Sign and Nameplate regulations, Section 17.30.300 and the Outdoor Advertising regulations, Section 17.30.210 of the Rio Dell Municipal Code and adopt new Sign and Nameplate regulations, Section 17.30.300.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of January 23, 2018 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the Planning Commission of the City of Rio Dell on January 23, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 116-2018 adopted by the Planning Commission of the City of Rio Dell on January 23, 2018.

Karen Dunham, City Clerk, City of Rio Dell

ORDINANCE NO. 362-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING AMENDING THE SIGN REGULATIONS,
SECTION 17.30.300 AND REPEALING THE OUTDOOR ADVERTISING
REGULATIONS, Section 17.30.210 OF THE RIO DELL MUNICIPAL CODE:**

WHEREAS staff recently discovered what was believed to be an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC); and

WHEREAS the City adopted the current zoning regulations in 2004 and the vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59; and

WHEREAS staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone; and

WHEREAS the original sign provisions, Section 6.18 of the Rio Dell Municipal Code (RDMC) applied to all commercial zones and the Limited Industrial (M-L) zone; and

WHEREAS the 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone; and

WHEREAS staff presented this information to the Planning Commission at the meeting of August 22, 2017. At that time Commissioner Marks informed staff and the rest of the Commission, that there was not in fact an error or oversight in carrying over the sign regulations to the Town Center and Neighborhood Center zones; and

WHEREAS the Town Center and Neighborhood Center zones were intentionally omitted due to concerns that the allowed size (up to 300 square feet) may be inappropriate in the Town Center and Neighborhood Center zones; and

WHEREAS staff has completely revised the existing Signs and Nameplate regulations, Section 17.30.300 of the Rio Dell Municipal Code; and

WHEREAS staff is recommending that Section 17.30.210, Outdoor Advertising (billboards), be eliminated because the proposed Sign and Nameplate regulations have been expanded to include billboards (Freeway Oriented Signs); and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed sign regulations amendments are in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.
4. Approves and adopts Ordinance No. 362-2018 amending the sign regulations, Section 17.30.300 and repealing the Outdoor Advertising regulations, Section 17.30.210 of the Rio Dell Municipal Code.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1

Section 17.30.210 of the Rio Dell Municipal Code is hereby repealed.

Section 2

Section 17.30.300 is hereby amended as follow.

17.30.300 Signs and Nameplates

Sections:

- 17.30.300(1) Purpose and Applicability
- 17.30.300(2) Review of Signs
- 17.30.300(3) Exempt Signs
- 17.30.300(4) Prohibited Signs
- 17.30.300(5) Standards for Special Category Signs
- 17.30.300(6) General Development, Maintenance and Removal
- 17.30.300(7) Permitted Signs by Zoning Districts
- 17.30.300(8) Temporary and Special Event Signs
- 17.30.300(9) Nonconforming Signs

17.30.300(1) Purpose and Applicability:

This chapter establishes the regulation of signs as a way to:

- (a) Encourage creative and innovative approaches to signage within the community that are of high quality design and character and contribute to the overall appearance of the community; and
- (b) Encourage signage that is architecturally and cosmetically compatible with the surrounding area; and
- (c) Enhance the overall property values in the city by discouraging signage that contributes to the visual clutter of the streetscape, such as oversized signs and excessive temporary signs; and
- (d) Enhance aesthetic and traffic safety in the community by minimizing signage information to ensure that signage does not distract motorists, obstruct, or otherwise impede traffic circulation; and
- (e) Safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signage. The standards of this chapter apply to signs in all zoning districts. Only signage specifically authorized by this chapter shall be allowed.

17.30.300(2) Review of Signs:

(a) Permit Required: Except as otherwise provided in this chapter, no person shall erect, move, alter, replace, or maintain any sign without first obtaining zoning clearance (administrative plan check) to ensure compliance with applicable provisions of this chapter. (See Section 17.30.300(3) of this chapter for exemptions.)

(b) Uniform Sign Program: A uniform sign program is intended to integrate design of signs with the design of the structures to achieve a unified architectural statement. Its purpose is ensuring design compatibility, not providing exemptions from the provisions of this chapter.

(c) Applicability: A uniform sign program shall be required whenever any of the following circumstances exists:

(i) New multi-tenant developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities;

(ii) Whenever three (3) or more signs are requested by a single tenant in an existing multi-tenant project that is currently not covered by a uniform sign program; or

(iii) Whenever the City determines that a uniform sign program is appropriate in order to achieve the objectives of this title.

(d) Approval of A Uniform Signage Program: The hearing and approving body for all Uniform Signage Programs (USP) shall be the Planning Commission. The process for appealing the decision shall be consistent with Section 17.35.050.

(e) Standards: The uniform sign program shall include criteria for building attached signs for tenants, anchors, freestanding building signs and the integrated development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, construction details, and color and materials of signs for the project. All signs within the development shall be consistent with the USP.

(f) Revisions to a Uniform Signage Program: The Planning Director may approve revisions to a uniform signage program if the Director determines that the modifications are minor in nature and do not change or modify the intent or conditions of the original approval. Revisions that would substantially deviate from the original approval (as determined by the Planning Director) shall require Planning Commission approval.

17.30.300(3) Exempt Signs:

Zoning clearance shall not be required for the signage listed in this section. Any exception to the limitations for exempt signage listed herein shall require a Variance pursuant to Section 17.35.020.

(a) Exempt Signage Without Limitations: The following signs are exempt from a sign permit and city review:

(i) Signs Within Buildings: Signs that are within buildings and are not visible from any point on the boundary of the property;

(ii) Official or Legal Notice: Official or legal notice required by a court or government agency (government/civic signs);

(iii) Signs Serving A Government Function: Signs erected and maintained in compliance with a government function or required by a law, ordinance, or government regulation, including signs erected by a public utility (government/civic signs);

(iv) Signs On Licensed Commercial Vehicles Prohibiting Outdoor Display Signs: Signs on licensed commercial vehicles, including trailers, that the vehicles/trailers shall not be used as parked/stationary outdoor display signs;

(v) Change of Copy: Change of copy that does not alter the size, location, or illumination of a sign;

(vi) Holiday Decorations: Holiday decorations that do not contain any commercial message shall be permitted. Such noncommercial signs shall be removed within seven (7) days following the holiday or event;

(vii) Signs Erected By Historical Agencies: Signs erected by recognized historical agencies that show names of buildings, dates of construction provided the sign is less than two (2) square feet in area.

(b) Exempt Signage with Limitations: The following signs are exempt from requirement for a sign permit and city review provided that they meet the size, height, duration, and/or maximum number limitations listed:

(i) Construction Signs: Construction signs not to exceed one sign per street frontage and a maximum of twenty (20) square feet in area or a maximum of thirty two (32) square feet if combined with a future tenant sign. Construction signs may not be illuminated. Such signs shall be removed upon completion of the city's final building inspection. (See Section 17.30.300(8), "Temporary And Special Event Signs", of this chapter.);

(ii) Directional Signs: Directional signs, on site, solely for guiding traffic, parking, and loading on private property, with no advertising. Copy shall be limited to the facility name and address, instructions, and directional arrows. Sign area shall not exceed twenty four (24) square feet in residential districts and thirty six (36) square feet in nonresidential districts. The maximum height for freestanding signs shall be six feet (6') unless the director allows additional height after determining that the visibility of a lower sign would be impaired. The area and number of

directional signs do not count towards the total allowed as described in Section 17.30.300(7), Table 17.30.300-7-1 of this chapter;

(iii) Flags: Flags of a nation, the state of California, other states of the nation, and municipalities;

(iv) Future Tenant Signs: Future tenant signs identifying or announcing the future use of a project while under construction. One sign shall be allowed per street frontage and the sign shall be removed upon occupancy of the site. In an integrated development, one sign per business is allowed. The maximum size of the sign shall be thirty two (32) square feet and the maximum height shall be six feet (6'). Future tenant signs may not be illuminated;

(v) Gas Pricing Signs: Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc., provided the signs do not exceed three (3) square feet;

(vi) Garage, Yard, Estate, and Other Home Based Sales Signs: Sign advertising the one day sale of items from a garage, yard, estate, or other home based sale;

(vii) Incidental Signs: Incidental signs, with a maximum area of two (2) square feet per sign. The area and number do not count towards the total allowed as described in Section 17.30.300(7), Table 17.30.300-7-1 of this chapter;

(viii) Menu/Order Board Signs: Menu/order board signs, as described herein and in subsection 17.30.300(5)(d) of this chapter. A maximum of two (2) menu/order board signs shall be permitted for each drive-in or drive-through business, provided that each sign not exceed a maximum of forty (40) square feet in sign area and that each sign be limited in height to eight feet (8'). The area and number of menu/order board signs do not count towards the total allowed sign area;

(ix) Nameplates: Nameplates, as described below. Nameplates may only be lit by either an indirect light (i.e., porch light) source, low wattage spotlight without glare to the adjoining property, or internal light source with opaque (nontransparent) background.

(A) Residential, individual unit: Occupant name, street number, and street name signs not exceeding two (2) square feet in area per single-family or multi-family unit;

(B) Residential, multi-family site: Building number, building name, units located in the building, and other directional signs not exceeding fifteen (15) square feet in area;

(C) Nonresidential: Signs for commercial, office, and industrial uses not exceeding two (2) square feet, with copy limited to business identification, hours of operation, address, and emergency information;

(x) Noncommercial Signs: Noncommercial signs that are not located within or over a public right of way unless authorized pursuant to Section 17.30.300(6) of this chapter, or over the roofline of any building and outside of any visibility triangle as follows:

(A) Non-illuminated Campaign Signs: Non-illuminated campaign signs are limited to the following:

- No more than four (4) square feet and 48 inches in height; and
- Signs may be erected not earlier than sixty (60) days prior to the election and shall be removed within ten (10) days following said election; and
- No more than 4 signs shall be allowed on any one parcel; and
- No sign may be placed on private property without the consent of the property owner; and
- Signs may be freestanding or attached to existing buildings or fences. However they are not permitted on street signs, trees, shrubs, bus stops, power poles, utility cabinets or other public appurtenances; and
- Signs may not be placed within 15 feet of any fire hydrant, street sign or traffic signal, or interfere with, confuse, obstruct or mislead traffic; and
- Signs may not be placed within a public right of way, nor within 30 feet of an intersection and no closer than 3 feet from the curb. Where no curb exists, signs shall be at least 5 feet from the edge of the pavement; and
- Homeowners are allowed to place political signs in the windows of their property; and
- Signs may not be illuminated, including motion and/or flashing lights, but may be placed where existing lighting may permit them to be seen at night.

(B) Political Event/Demonstration Signs: Political event and/or demonstrations signs shall be permitted during the course of and at the site of a political event or demonstration.

(C) Prohibiting Signs: Signs prohibiting trespassing and advertising, as well as neighborhood watch and alarm signs, shall be permitted on private property.

(xi) Public Notice: Any public notice or warning required by a federal, state, or local law or regulation shall be permitted.

(xii) Window Signs: Window signs with a maximum per window coverage of sixty percent (60%).

(xiii) Real Estate Signage: Real estate signs for sale or lease of property shall be permitted on private property and out of any required visibility triangle, with the following limitations:

(A) For residential property, one on site sign with a maximum sign area of six (6) square feet. Additionally, a maximum of three (3) attached rider signs are permitted on each real estate sign identifying the agent, special feature and/or sales status. On weekends and holidays, open house signs as needed to direct traffic from major collector and arterial streets to the subject property. One sign may be placed for each change in direction to a maximum of five (5) signs with a maximum sign area of six (6) square feet.

(B) For commercial property, one on site sign per street frontage with a maximum sign area of thirty two (32) square feet for parcels with less than one acre and forty eight (48) square feet for parcels larger than one acre with an eight foot (8') height limit.

17.30.300(4) Prohibited Signs:

The signage listed in this section are inconsistent with the purposes and standards of these regulations as described below and as such are prohibited in all zoning districts.

- (a) Abandoned signs;
- (b) Roof signs erected and constructed on and/or over the roofline of a building and supported by the roof structure;
- (c) Signs that are unauthorized, temporary or permanent, and are affixed to trees and utility poles;
- (d) Signs emitting audible sounds, odors, or visible matter. Only menu/order board signs may emit sounds, but only as part of their primary function;
- (e) Signs erected in such a manner that a portion of its surface or supports will interfere with the use of fire escapes, standpipes, or emergency exits from a structure or site;
- (f) Signs erected without the consent/permission of the owner (or his/her agent) of the property on which the sign is located;
- (g) Signs on public property or within the public right of way, except government/civic signs erected by a governmental agency or a public utility or signs granted an encroachment permit by the public works department;

(h) Signs which imitate or resemble official traffic warning devices or signs, that by color, location, content, or lighting may confuse or disorient vehicular or pedestrian traffic;

17.30.300(5) Standards for Special Category Signs:

This section describes the standards applied to certain types of signage as defined in Section 17.30.300(3) and are consistent with the standards established for signage as listed in Section 17.30.300(7) and Table 17.30.300-7-1.

(a) Awning and Canopy Signs: Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows:

(i) Location: Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian-way.

(ii) Maximum Area and Height: Sign area shall comply with the requirements established by Section 17.30.300(7) and Table 17.30.300-7-1 and Section 17.30.300(6) of this chapter. No structural elements of an awning or canopy shall be located less than eight feet (8') above the finished grade.

(iii) Lighting: Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the entire awning is allowed.

(iv) Required Maintenance: Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

(b) Blade/Bracket Signs:

(i) Location: Blade or bracket signs shall be placed only on ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(ii) Maximum Area, Height, and Projection: The maximum sign area shall be ten (10) square feet. The lowest point of a blade or bracket sign shall be a minimum eight feet (8') above grade. The sign may project a maximum of five feet (5') from the building.

(iii) Sign Structure: Sign supports and brackets shall be compatible with the design and scale of the sign.

(c) Governmental/Civic Sign As A Gateway Sign: A governmental/civic sign as a gateway sign(s) other than those described in section 17.30.300(7) and Table 17.30.300-7-2 of this chapter for subdivisions and those exempt as in section 17.30.300 of this chapter may be established subject to the following standards:

(i) Location: The sign may be located along or within a public right of way at a minimum distance from the public right of way so as to not interfere with the movement of traffic.

(ii) Maximum Area and Height: The maximum sign area shall be thirty two (32) square feet. The maximum height shall be fifteen feet (15').

(iii) Design: The sign should be designed as a monument sign, consistent with the standards for monument signs described in subsection (e) of this section.

(d) Menu/Order Board Sign:

(i) Location: Menu/order board signs shall not face onto the public right of way.

(ii) Illumination: Menu/order board signs shall only be illuminated by internal light source with opaque (nontransparent) background.

(iii) Maximum Size, Height, And Number: The size, height, and number of menu/order board signs shall be limited as described Section 17.30.300(3)(b)(viii) of this chapter.

(e) Monument Signs:

(i) Location: The sign may be located only along a site frontage adjoining a public street and not within the visibility triangle. It shall be set back a minimum of ten feet (10') from the right of way. See also Section 17.30.300(6) of this chapter.

(ii) Maximum Area and Height: The sign shall comply with the height and area requirements established in Section 17.30.300(7) and Table 17.0.300-7-3 of this chapter.

(iii) Design: The mass/scale of a monument sign shall be consistent with the overall design of the building. The design and placement of the sign shall not interfere with the visibility triangle.

(iv) Landscape Requirements: Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area requires forty (40) square feet of landscaped area. The City may reduce or waive this requirement if the sign is placed within an existing landscape corridor or median.

(f) Reader Board Signs: Reader board signs may only be allowed:

(i) In the Community Commercial (CC) zone upon approval of zoning clearance. Reader board signs may be allowed in the Town Center (TC) and Neighborhood Center (NC) zones with a Conditional Use Permit. The total area for these signs shall be included in maximum allowed sign area as listed in Section 17.30.300(7) and Table 17.30.300-7-1 of this chapter.

(ii) To advertise products, services, and prices in conjunction with an on-site retail business and limited to a maximum of forty (40) square feet.

(g) Time and/or Temperature Signs: A time and/or temperature sign may be permitted on a site in addition to the other signs allowed by this section provided it meets the following standards:

(i) Maximum Area and Height: The sign shall have a maximum area of ten (10) square feet and shall comply with the height requirements established by Section 17.30.300(7) and Table 17.30.300-7-2 of this chapter.

(ii) Design: The sign shall be designed in a manner that is compatible with other signs and with the structure on which it is placed.

(h) Building Signs: Where allowed in Section 17.30.300(7) and Table 17.30.300-7-1 of this chapter, a building sign shall comply with the following additional requirements:

(i) Location: The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.

(ii) Maximum Area and Height: The sign shall not project above the edge of a structure and shall comply with the height requirements established by section 17.30.300(7), Table 17.30.300-7-1 of this chapter. It shall not take up more than seventy five percent (75%) of the building frontage on which it is placed.

(iii) Projection From Wall: The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve inches (12"). See also section 17.30.300(6) of this chapter for three dimensional elements on all signs.

(i) Banner or Feather Signs: Banner and/or feather signs may be allowed in the Town Center, Neighborhood Center, Community Commercial and Industrial Commercial zones upon approval of zoning clearance, provided it meets the following standards:

(i) Location: The banner and/or feather sign shall not be placed to obstruct pedestrian traffic or doorways.

(ii) Maximum Area and Height: The banner and/or feather sign shall not exceed sixteen (16) square feet in area and fifteen (15) feet in height. The total area for these signs shall be included in maximum allowed sign area as listed in Section 17.30.300(7) and Table 17.30.300-7-2 of this chapter

(iii) Number: No more than two (2) banner and/or feather signs shall be allowed per business.

(j) Freeway Oriented Billboards: Notwithstanding the prohibition against off site commercial signs, freeway oriented billboards may be permitted subject to first obtaining a Conditional Use Permit from the Planning Commission. For the purposes of this section, a "freeway oriented billboard" is hereby defined as an outdoor freestanding sign board which is located within one hundred feet (100') of State Highway 101 and which advertises a business, service or product which is not produced or sold at the site of the sign. A Conditional Use Permit for a freeway oriented billboard may be issued only if the proposed billboard complies with all of the following conditions:

(i) Location: A freeway oriented billboard shall be located only on property zoned Industrial Commercial and located at the Humboldt Rio Dell Business Park. No freeway oriented billboard shall be located closer than one-half (1/2) mile to another freeway oriented billboard. No freeway oriented billboard shall be located on or within any public right of way.

(ii) Maximum Number of Freeway Oriented Billboards: No more than a total of three (3) freeway oriented billboards may be constructed or approved by the city at any time, provided that each sign must meet all the conditions of this section. Once there are three (3) freeway oriented billboard use permits issued in the City, no other use permit application for a freeway oriented billboard can be processed by the City.

(iii) Height: No freeway oriented billboard shall exceed a height of thirty-five feet (35') as measured from the existing grade of the property on which the freeway oriented billboard will be located.

(iv) Size Of Signage: No freeway oriented billboard shall exceed four hundred eighty (480) square feet of advertising surface area. No freeway oriented billboard may contain more than two (2) advertising surface areas. No advertising surface area may contain more than two (2) advertisements.

(v) Lighting: A freeway oriented billboard may be illuminated in accordance with this title; however, no blinking, flashing, rotating, animated lighting or movement of any kind shall be permitted.

(vi) Approval By State Of California: Freeway oriented billboards receiving a Conditional Use Permit from the City shall not be constructed without proof of a permit issued by the state of California department of transportation, pursuant to the California outdoor advertising act. The City's restrictions regarding freeway oriented billboards shall apply if the City's limitations are more restrictive than the state requirements.

(vii) Structural Design: No freeway oriented billboard shall be approved without Planning Commission review and approval of the structural design. In particular, the Planning Commission shall ensure that the location, color, materials and details of the structural design of the freeway oriented billboard are attractive and compatible with surrounding land uses and the City's rural, hometown image.

(viii) Maintenance: Freeway oriented billboards and their supporting members must be maintained in good condition at all times. Upon order by the City, dilapidated freeway oriented billboards must be repaired or removed within thirty (30) days.

17.30.300(6) General Development, Maintenance, And Removal:

This section describes the standards applied to the development, maintenance, and removal of signs within the city.

(a) Measurement of Sign Area:

(i) Computation: Sign area shall be computed by means of a single continuous perimeter composed of any rectilinear geometric figure that encloses the extreme limits of writing, representation, emblem, or any fixture of similar character, together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; however, if the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated as seventy five percent (75%) of the area of any rectilinear geometric figure that encloses the extreme limits of the characters or symbols.

(ii) Supporting Framework: Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(iii) More Than One Sign Face: Signs composed of more than one sign face shall be computed as including only the maximum single display surface that is visible from any ground position at one time.

(iv) Three-Dimensional Objects: Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

(v) Time and Temperature Devices: For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign.

(b) Measurement Of Sign Height: Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.

(c) Maintenance Of Signs: All signs shall comply with the following criteria:

(i) All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign;

(ii) All permanent signs shall be constructed of quality, low maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during

construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements;

(iii) All signs shall be constructed in compliance with any applicable building, electrical, or other code in effect at the time of construction or maintenance, with particular respect to wind and seismic loads and overturning moment;

(iv) All freestanding signs that incorporate lighting shall have underground utility service;

(v) Signs shall be cleaned, updated, and/or repaired as necessary to maintain an attractive appearance and to ensure safe operation of the sign. Unacceptable sign conditions include broken or missing sign faces, broken or missing letters, chipped or peeling paint, water damage, missing or inoperative lights, exposed mechanical or electrical components, and missing or broken fasteners. Failure to respond to a written request from the city to perform maintenance work shall result in revocation of the sign's zoning clearance;

(vi) All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed;

(vii) All illuminated signs shall be of such intensity or arranged in such a manner so as not to create glare for abutting properties or vehicular traffic.

(d) Illumination Standards: The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights of way and properties. The following standards shall apply to all illuminated signs:

(i) External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;

(ii) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;

(iii) Signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;

(iv) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;

(v) Reflective type bulbs and incandescent lamps that exceed fifteen (15) watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right of way or adjacent property; and

(vi) Light sources shall utilize energy efficient fixtures to the greatest extent possible.

(e) Sign Removal or Replacement: When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

(f) Setback of Freestanding Signs (Permanent and Temporary): The minimum setback distance for signs shall be measured from back of the public right of way. No sign shall encroach into a public right of way. All freestanding signs shall be set back a minimum of ten feet (10') from the public right of way with the following exception:

(i) Where the public right of way has not been improved to its ultimate width, signs shall be set back from the ultimate right of way as defined by the public works department. Until such time as the right of way is improved to its ultimate width, the applicant may be granted an encroachment permit to allow the sign to be placed within the ultimate right of way, provided that when the right of way is improved the owner of the sign shall be required to remove or otherwise relocate the sign (at their own cost) and shall be subject to the current standards as provided in this title.

(g) Location Of Building Signs: Building signs may be located along any frontage of a building that faces directly onto a public right of way or an internal circulation path of the site. In no instance shall signs face directly onto residential property.

17.30.300(7) Permitted Signs By Zoning Districts:

Signs permitted within the City are regulated by the zoning district, and the standards for their development are described in Table 17.30.300-7-1 of this section. Zoning clearance (administrative plan check) is required to determine compliance with applicable provisions of this section. Only those signs that may be permitted are listed. The goal of these standards is to regulate permanent signs that have a commercial message so that they comply with the purpose of this chapter, as established in section 17.30.300(1) of this chapter. Noncommercial signs and signs that are exempt from these standards are described in section 17.30.300(3) of this chapter. Temporary signs are listed in section 17.30.300(8) of this chapter. The following general rules/standards apply to permanent signs regulated in this section:

(a) Building signs are those signs that are permanently attached to a building (i.e., wall signs, blade/bracket signs, etc.).

(b) Freestanding signs are those that have their own unique foundation or are otherwise not attached to a building (i.e., monument sign).

(c) The total allowed sign area may be distributed among the maximum number of signs permitted for each sign type.

(d) Illumination standards refer to whether or not the sign may be illuminated and how. Signs that may be illuminated may be done so by "indirect or background" (indirect light source, low

wattage spotlight without glare to the adjoining property, or internal light source with opaque, nontransparent background) or by any method that produces "no glare onto (neighboring) residential property".

(e) Allowable sign area is either a set square footage per business or is based on a ratio of sign area to primary building frontage. It is calculated as described in section 17.30.300(6) of this chapter. Where a ratio is described, it applies up to the listed maximum sign area.

(f) Public frontage is that area of the building that faces onto a public right of way, an internal circulation aisle, or a parking lot. In no case shall signs face directly onto residential property. (See section 17.30.300(6) of this chapter.)

TABLE 17.30.300-7-1					
SIGNS PERMITTED BY ZONING DISTRICTS					
Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.)	Illumination Standards
Residential Zones:					
Building signs ¹	1 per Home Occupation or Address of Convenience	2	4	-	No illumination
Single-family subdivisions:					
Freestanding signs: entry monument	1 per project entrance	24 each	6	10	Indirect or background
Multi-family dwellings and complexes:					
Building signs ³	1 per complex	6	6	-	No illumination
Freestanding signs ³	1 per vehicle entrance	16 each	6	10	Indirect or background
Permitted nonresidential uses in a residential zoning category:					
Building signs ³	1 per business	50	Roofline	-	No glare onto residential property
Freestanding signs	1 per business	100	10	10	No glare onto residential property
Town Center and Neighborhood Center Zones:					
Building signs ¹ :	1 per business	100	Roofline	-	No glare onto

TABLE 17.30.300-7-1

SIGNS PERMITTED BY ZONING DISTRICTS

Sign Type	Maximum No. Permitted	Maximum Area ⁴ (Sq. Ft.)	Maximum Height ⁴ (Ft.)	Minimum Setback From ROW (Ft.)	Illumination Standards
					residential property
Freestanding signs: Individual businesses	1	50	10	10	Indirect or background
Freestanding signs: Integrated development	1	150	15	10	Indirect or background
Community Commercial and Industrial Commercial Zones:					
Building signs	1 per business	125	Roofline	-	No glare onto residential property
Freestanding signs	1 per business	150	35	10	No glare onto residential property
Freestanding signs, integrated development ⁴	1 per project entrance	300 ³	35	10	No glare onto residential property
Public/quasi-public uses:					
Building signs	1 per use	12	Roofline	-	Indirect or background
Freestanding signs	1 per use	32	8	10	Indirect or background

Notes:

1. Excludes nameplates as described in section 17.30.300(3) of this chapter.
2. Refer to Design Review Guidelines.
3. Square feet by side.
4. On site signs for commercial and industrial zones may exceed the height and size limits after showing that the operation on site requires the added visibility and that site

topography or other constraints would preclude adequate visibility of the sign and upon issuance of a Conditional Use Permit.

17.30.300(8) Temporary And Special Event Signs:

This section describes standards for temporary signs, special event signs, and signs for subdivisions.

(a) Temporary Signs: Temporary commercial signs such as banner signs and portable signs for grand openings, special product, sale, or event advertising are permitted within the City with the development standards described below. While the City does not issue temporary sign permits, provisions herein will be enforced pursuant to chapter 17.40 of this title.

(i) Time Duration: Each business shall be allowed a maximum of two (2) weeks’ temporary promotional signs a quarter/season (4 times a calendar year), not to exceed a total of eight (8) weeks per calendar year. Temporary advertising periods may be combined, but may never be longer than four (4) consecutive weeks (30 consecutive days) at any one time.

(ii) Illumination: No temporary signs may be illuminated.

(iii) Development Standards: Table 17.30.300-7-2 of this section describes the development standards with regards to maximum number, area, height, and setback from the public right of way. In no case may a temporary sign be placed within a required visibility triangle.

TABLE 17.30.300-7-2				
TEMPORARY SIGN STANDARDS				
Use Type	Maximum Temporary Number Permitted	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Setback From ROW (Feet)
Auto dealerships	3 per business	10 each	10	10
Commercial uses, building signs	1 per business	10 each	Roofline	-
Commercial uses, freestanding signs (i.e. sandwich board signs)	1 per business	6	4	10
Multi-family dwellings and complexes	3 per complex	Less than 10 units: 10; more than 10 units: 30	Roofline if on building; otherwise 10	5

TABLE 17.30.300-7-2				
TEMPORARY SIGN STANDARDS				
Use Type	Maximum Temporary Number Permitted	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Setback From ROW (Feet)
Office and industrial uses	3 per business	6 each	10	10
Permitted nonresidential uses in a residential zoning category	3 per business	6 each	10	10
Public/quasi-public uses	2 per use	5 total	5	10
Residential dwellings/uses, building sign	2 per home occupation or Address of Convenience	10 total	8	5

(b) Special Event Signs: Signs not otherwise permitted in this chapter (e.g., beacons, pennants, freestanding banners, inflatable signs), may be permitted for communitywide events or other similar events on a temporary basis with the approval of a zoning clearance.

(i) Location: Special event sign(s) shall be located on the site of the event and shall not be located above the roofline of any structure. All signs shall be located so as not to obstruct required parking, driveways, or pedestrian walkways, and shall not be located within any visibility triangle.

(ii) Time: No entity or integrated development may be issued more than two (2) special event sign permits per calendar year for a maximum of fourteen (14) consecutive calendar days each.

(c) Subdivision Signs: Temporary and limited term subdivision signs for both on site identification and off site directional signs shall be permitted in accordance with the following standards. Single-family subdivision sign provisions shall apply to integrated developments only and not to any single residential lot.

(i) On Site Signs: On site directional signs shall be permitted in accordance with the provisions listed in Table 17.30.300-7-3 of this section.

(ii) Off Site Signs: Offsite directional signs shall be collocated together with other similar subdivision signs on offsite kiosks. Such signs shall be subject to the development standards as described in Table 17.30.300-7-3 of this section and as follows:

A. No off site sign shall have any additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved.

B. Copy for individual projects listed on the kiosks is limited to the project name and a directional arrow.

(iii) Standards Applicable To All Subdivision Signs:

A. Sign Removal: Signs are to be permanently removed when the last home in the subdivision is sold or the sign permit expires, whichever occurs first.

TABLE 17.30.300-7-3						
SINGLE-FAMILY SUBDIVISION SIGNS						
Sign Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback From ROW	Illumination Standards	Other Standards
Freestanding signs: on site	1 per project entrance, max. 6	32 sq. ft. each	10 ft.	10 ft.	No illumination	

17.30.300(9) Nonconforming Signs:

Signs that were established prior to the adoption, or subsequent amendments, of this chapter, but are inconsistent with the adopted content are considered legal nonconforming uses. As such, they may continue to exist provided that they are not altered, modified, or changed in any way that would require, under this code, zoning clearance by the City or would constitute an otherwise prohibited sign as identified under section 17.30.300(4) of this chapter, outside of their being legal nonconforming uses (see Section 17.30.200 of this title). When such modification alteration-change occurs (as defined in chapter 17.30.200 of this title), the sign shall be brought into compliance with this chapter, requiring zoning clearance, and the clearance shall be reviewed under the specifications of section 17.30.300(2) of this chapter.

Section 3. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 4. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 5. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any significant impact to the environment would occur as a result of adoption of the Ordinance.

Section 6. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on February 6, 2018 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 20, 2018 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 362-2018 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 20, 2018.

Karen Dunham, City Clerk, City of Rio Dell